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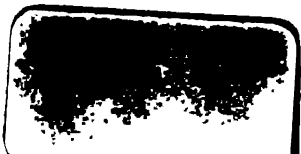


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A
COMPENDIOUS ABSTRACT
OF THE
PUBLIC GENERAL ACTS

OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND:

4 & 5 WILLIAM IV.—1834;

BEING THE SECOND SESSION OF THE ELEVENTH PARLIAMENT

OF SUCH
UNITED KINGDOM.

FROM
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MDCCCXXXIV.

BEGUN
AT WESTMINSTER,
JANUARY 29, ANNO DOMINI 1833 ;
AND
FROM THENCE CONTINUED,
BY SEVERAL PROROGATIONS,
TO
FEBRUARY 4, 1834.



ABRIDGMENT
OF THE
PUBLIC GENERAL STATUTES,
4 WILLIAM IV.—1834.

CAP. I.

AN ACT to explain and amend an Act of the last Session of Parliament, for regulating the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom.

(20th February 1834.)

By this Act,

After noticing that by an Act, 3 & 4 Will. 4. c. 103, intituled, 'An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom,' it was enacted among other things that certain provisions of the said Act should come into operation at the end of eighteen months, and certain other provisions also at the end of thirty months, and the passing of the said Act; and that it is expedient that the periods mentioned in the said provisions respectively should be construed to be calendar months, not lunar months :—

It is Enacted,

I. That the said periods of eighteen months and thirty months mentioned in the said Act shall be construed and taken to mean periods of eighteen calendar months and thirty calendar months respectively.

And after noticing that it is provided by the said Act, that in mills for the manufacture of silk, children under the age of thirteen years shall be allowed to work ten hours in any one day; and doubts have arisen whether, according to the true construction of the said Act, children in such mills can be allowed to work ten hours every working day in the week :—

It is therefore further Enacted,

II. That in mills for the manufacture of silk, children under the age of thirteen years shall be allowed to work ten hours every working day in the week; and that this enactment shall be substituted in the place of the provision hereinbefore referred to, and be taken in all respects as part of the said Act.

III. That this Act may be amended, altered, or repealed by any Act to be passed during the present session of Parliament.

CAP. II.

AN ACT to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-four.

(26th March 1834.)

By this Act, the Commons granted, and it is Enacted,

That there shall be issued and applied, for or towards making good the supply granted to His Majesty for the service of the year 1834, the sum of 5,000,000*l.*, a part of the sum now remaining in the Exchequer, or remaining to be received on the 10th of February 1834, to complete the aids granted for the service of the year 1834; and also any sum or sums which may have been or which may be paid into the Exchequer before the 5th of April 1835, in respect of Exchequer bills issued pursuant to two Acts of 57 Geo. 3, and of 1 & 2 William 4, for authorizing the issue of Exchequer bills for carrying on public works and fisheries in the United Kingdom; and also the sum of 60,000*l.* to be paid into the Exchequer by the United Company of Merchants of England trading to the East Indies, towards the expense of retiring pay, pensions, and allowances to

His Majesty's forces serving in India, in pursuance of an Act, 4 Geo. 4; and also the balance now in the Exchequer, or which may be paid in to the Governor and Company of the Bank of England on or before the 5th of April 1835, pursuant to 56 Geo. 3, c. 97, provided that if at any time the said balance shall be reduced to a less sum than 100,000*l.*, then so much of the monies advanced by the said Governor and Company shall be repaid to them as shall be equal to the sum by which the said balance shall be less than that sum; and the Commissioners of the Treasury of the *United Kingdom*, or any three or more of them, or the Lord High Treasurer of the *United Kingdom* for the time being, are to issue and apply the same accordingly.

CAP. III.

AN ACT for raising the Sum of Fourteen Millions by Exchequer Bills for the Service of the Year One thousand eight hundred and thirty-four.

(26th March 1834.)

By this ACT, the Commons granted, and it is Enacted,

i. That the Commissioners of the Treasury of the *United Kingdom* may cause any number of Exchequer bills to be made out at the Exchequer for any sum or sums not exceeding in the whole 14,000,000*l.*, in the manner, and according to the rules and directions prescribed in 48 Geo. 3. c. 1.

ii. That all the clauses and provisos contained in that Act shall be applied to the Exchequer bills to be made out in pursuance of this Act, as fully as if particularly repeated and re-enacted in this Act.

iii. That the Commissioners of the Treasury may issue and apply all such sums of money as shall be raised by Exchequer bills to be made out in pursuance of this Act to such services as shall then have been voted in this present session of Parliament.

iv. That the principal sums to be contained in such Exchequer bills shall be charged upon and paid out of the first supplies to be granted in the next session of Parliament.

v. That such Exchequer bills shall bear date on the days on which the same shall be respectively issued, and bear an interest not exceeding the rate of 3*q*d. *per centum per diem*.

vi. That all such Exchequer bills, or so many of them as shall remain undischarged and uncanceled, shall from and after the 5th of April 1835, be received and pass current to all and every the receivers and collectors in Great Britain of the Customs, Excise, or any revenue, supply, aid, or tax whatsoever, already granted, or hereafter to be granted, and also at the Exchequer.

vii. That the Governor and Company of the Bank of England may advance upon the credit of such Exchequer bills any sum or sums not exceeding in the whole 14,000,000*l.*, anything in 5 & 6 W. & M. c. 20. to the contrary notwithstanding.

CAP. IV.

AN ACT for the Regulation of His Majesty's Royal Marine Forces while on Shore.

(26th March 1834.)

ABSTRACT OF THE ENACTMENTS.

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| <ol style="list-style-type: none"> 1. Crimes punishable by death. 2. The ordinary course of law not to be interfered with. 3. Marines not to be taken away from the service for debts under 50<i>l.</i> 4. Lord High Admiral, &c. may make articles for the punishment of mutiny, desertion, &c. 5. Lord High Admiral, &c. may grant Commissions for holding general courts martial, &c. 6. Composition of general courts martial. 7. Courts martial to administer oaths. 8. Proceedings of courts martial. 9. Officers of the marine and land forces may sit in conjunction on courts martial. 10. General courts martial may sentence offenders to imprisonment, &c. 11. District or garrison courts martial. 12. Divisional courts martial. | <ol style="list-style-type: none"> 13. Detachment courts martial. 14. Marking a deserter. 15. Trial and punishment for embezzlement. 16. Witnesses. 17. Transportation of offenders. 18. Imprisonment of offenders. 19. Place of confinement of offenders may be changed. 20. Offences against former Mutiny Acts may be tried under this Act.—Limitation as to time. 21. Appeal.—Revision of sentence. 22. Forfeiture of pay.—Subsistence of offenders while in custody —Arrears of pay. 23. Pay of commissioned officers charged with criminal offences. 24. Report of proceedings of courts martial. 25. Subsequent enlistment no protection from punishment for desertion. 26. Apprehension of deserters. |
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¹a writing to that effect from any such commanding officer, although the period for which he was committed shall not have expired; and every such gaoler or keeper refusing or neglecting to receive and confine any such person, pursuant to such sentence, or to discharge him upon any such order, shall, on being convicted thereof, forfeit for every such offence the sum of 100*l*.

XIX. That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, by any order in writing to be made for that purpose, under the hand of the said Lord High Admiral, or the hands of two or more of the Commissioners aforesaid, and the seal of the office of Admiralty, to change the place of confinement expressed in any sentence of a court martial to be held under the authority of this Act, either previous to the commitment of the offender or under any such sentence, or at any time during the period of his confinement, and so from time to time as often as it shall be deemed requisite; and the gaoler or other person having the custody of such offender shall, immediately on the receipt of any such order, remove and convey such offender to the gaol, prison, or house of correction mentioned in the said order so to be made as aforesaid (for the charges of which removal and conveyance he shall be allowed a sum not exceeding 1*s*. per mile); and every gaoler or keeper of such last-mentioned gaol or house of correction shall thereupon, and upon being furnished with a copy of the sentence of confinement, and of such order of removal, (such copies respectively, to be attested by the Secretary of the Admiralty (for the time being,) receive into his custody, and shall confine pursuant to such sentence, every such offender, under the like penalty and forfeiture, in case of refusal or neglect, as is lastly hereinbefore provided.

XXVI. That it shall be lawful for the constable of any place where any person reasonably suspected to be a deserter shall be found, or of any adjoining place, and if no such constable can be immediately met with, then for any officer, marine, or other soldier in His Majesty's service, to apprehend or cause such suspected person to be apprehended, and cause him to be brought before any Justice living in or near such place, and acting for the same or any adjoining county, who hath hereby power to examine such suspected person; and if, by his confession, or the testimony of one or more witnesses upon oath, or by the knowledge of such Justice, it shall appear that such suspected person is a marine unlawfully absent from his duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public prison in the same or any next adjoining county, and shall transmit an account thereof, in the form prescribed for that purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a description of the person of such deserter, and the name of the division to which he shall belong, and also certifying the names of the persons by whom the deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, shall be satisfied such last-mentioned persons are justly entitled to a reward for such apprehension, the said Secretary shall in return transmit to such Justice an order upon the proper department for the payment of the sum of 20*s*. as a reward to the persons so certified to be entitled thereto; which reward shall be paid and charged against the pay and subsistence of any such deserter, and stopped out of the same: Provided always, that no fee or reward shall be taken by any Justice or his clerk in respect of any information, commitment, or report in the case of any such deserter.

XXVII. That every person who shall voluntarily surrender or deliver himself up as a deserter from His Majesty's Royal Marine forces, or who, upon being apprehended on any charge, shall, in the presence of the Justice, confess himself to be a deserter from such forces, shall be deemed to have been duly enlisted, and to be a marine, and shall be liable to serve in the said forces, whether he shall have been ever actually enlisted as a marine or not; and if the person so confessing himself to be a deserter shall at the time actually belong to the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a deserter, or shall be liable to be punished as a rogue and vagabond, or may be prosecuted and punished for obtaining money under false pretences; and the confession and receiving subsistence as a marine by such person shall be sufficient evidence of the false pretence and obtaining money.

XXIX. That every person who shall in any part of His Majesty's dominions directly or indirectly persuade any marine to desert shall suffer such punishment by fine or imprisonment, or both, as the Court before which the conviction may take place, shall adjudge; and every person who shall assist any deserter from His Majesty's Royal Marine service in deserting or in concealing himself from such service, knowing him to be such deserter, shall forfeit for every such offence the sum of 20*l*.

XXX. That the gaoler or other person having the immediate inspection of any prison, gaol, or house of correction shall diet and supply every marine in his custody with fuel and other necessaries according to the regulations of the prison to which he shall be so committed, and shall receive on account of every such marine, during his imprisonment, 6*d*. per diem for his subsistence, to be issued out of the pay of such marine, upon application in writing signed by any Justice within whose jurisdiction such prison shall be locally situated, together with a copy of the order of commitment, and which sum of 6*d*. per diem shall be carried to the credit of the fund from which the expense of such prison is defrayed; and all gaolers and keepers of prisons shall and they are hereby authorized and required to receive and confine every deserter from the Royal Marines who shall be delivered into their charge by any officer, soldier, or marine conveying any such deserter under lawful authority, on the production of the warrant or authority on which such deserter shall have been taken or detained; and every gaoler or keeper so receiving a deserter shall be entitled to 1*s*. for the safe custody of him, while halted on the march, and to such daily subsistence as is hereinbefore provided for the maintenance of marines confined under any sentence or otherwise.

XXXI. That every gaoler, having notice that any person in his custody is a marine liable to serve His Majesty, shall, previous to the expiration of the period of the imprisonment of such marine, give one month's notice, or if there shall not be sufficient time for a month's notice, then the longest practicable notice thereof to the Secretary of the Admiralty.

XXXII. That every marine officer who shall, without warrant from one or more of His Majesty's Justices, forcibly enter into or break open the dwelling-house or outhouses of any person whomsoever, under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of 20*l*.

XXXIII. That every person who shall receive enlisting money to serve in the Royal Marines from any person employed in the recruiting service, he being an officer, non-commissioned officer, or attested marine, shall be deemed to be enlisted as a marine in His Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted; and every

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MDCCCXXXIV.

diately to apprehend and bring him before a Justice, the officer or non-commissioned officer commanding the party shall produce, to the Justice before whom the recruit ought regularly to have been brought for attestation, a certificate of the name and place of residence of such recruit; and the Justice to whom such certificate shall be produced shall, after satisfying himself that the recruit who had absconded cannot be found and apprehended, transmit a duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such recruit being afterwards apprehended and reported as a deserter, the fact of his having received enlisting money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a deserter; and any recruit who shall enlist into His Majesty's Royal Marine forces, and who shall be discovered to be incapable of active service by reason of any infirmity concealed or not declared by such recruit before the Justice at the time of his attestation, and mentioned therein, may be transferred into a garrison or veteran or invalid battalion, and shall be entitled to receive such proportion or residue of bounty only as the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, may allow in that behalf, instead of the bounty upon which such man shall have been enlisted, any Act or any rules and regulations to the contrary notwithstanding; and it shall be lawful for any two Justices before whom any recruit shall be brought, and who shall be proved upon oath before them to have wilfully concealed his having been a marine or soldier and discharged, or to have concealed his having been discharged on any prior enlistment, or to have wilfully concealed any infirmity upon being attested, or designedly made any false representation, to adjudge such person to be a rogue and vagabond, and to sentence him to such punishment as by any law now in force may be inflicted on rogues and vagabonds and vagrants and incorrigible rogues; and any recruit who shall designedly make any false representation of any particular contained in the oaths and certificates in the Schedule to this Act annexed before the Justice at the time of his attestation, and shall thereby obtain any enlisting money, or any bounty for entering into His Majesty's service, or any other money, shall be deemed guilty of obtaining money under false pretences, within the true intent and meaning, if in England, of an Act, 7 & 8 Geo. 4. c. 29, intituled 'An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith;' and if in Ireland, of an Act, 9 Geo. 4. c. 55, intituled 'An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith;' and the production of such certificate, and proof of the handwriting of the Justice giving such certificate, shall be sufficient evidence of such party having represented the several particulars contained in the oath sworn by him, and specified in the certificate of the Justice at the time of his having been attested; and that proof by the oath of one or more credible witnesses that the person so prosecuted hath voluntarily acknowledged that at the time of his enlistment he belonged to the Militia, or to any regiment in His Majesty's service, or to His Majesty's Navy or Marines, shall be deemed and taken as evidence of the fact so by him acknowledged, without production of any roll or other document to prove the same; and any man who, having been inrolled to serve in the Militia, and who at the time of offering to enlist in the Marines shall deny that he is a militia man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on conviction thereof before any one Justice in the United Kingdom, either upon the oath of one witness or upon his own confession, or upon the production of the attestation and the before-mentioned declaration of such person, certified by the Secretary of the Admiralty, be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any time not exceeding six calendar months, over and above any penalty or punishment to which such person so offending may be otherwise liable; and shall, from the day on which his engagement to serve in the Militia shall end, and not sooner, belong as a soldier to the division of His Majesty's Royal Marine forces into which he has so enlisted; provided also, that every such person shall be liable to serve in His Majesty's Royal Marine forces in which he has so enlisted during all the time the Militia to which he shall belong shall remain disembodied, or shall not be called out for training or exercise, and shall during all such time be subject to all the provisions of this Act, and be liable to be apprehended and dealt with and punished as a deserter from the Marines if he shall neglect or refuse to join and serve therein.

XXXVIII. That it shall be lawful for the Justice before whom any recruit (being a hired servant) shall be attested, before the expiration of the term of service for which he shall have been hired, to adjudge to such recruit a reasonable proportion of his wages for the time he shall have actually served, to be forthwith paid by the master, upon whom the said Justice shall make an order accordingly, and if the same be not paid within four days shall enforce the payment thereof by the same means as pecuniary penalties may under this Act be recovered before a Justice.

XXXIX. That every marine officer who shall designedly act contrary to the provisions of this Act, in any respect regarding the enlisting and attesting of recruits for His Majesty's service, shall, upon proof thereof upon oath by two witnesses before a General Court-martial, be cashiered, and disabled to hold any civil or military office or employment in His Majesty's service.

XL. That no master shall be entitled to claim an apprentice who shall enlist as a marine in His Majesty's service, unless such master shall, within one calendar month next after such apprentice shall have left his service, go before some Justice, and take and subscribe the oath mentioned in the Schedule to this Act annexed, and at the time of making his claim produce to the officer under whose command the recruit shall be the certificate of such Justice of his having taken such oath, which certificate such Justice is required to give in the form in the Schedule to this Act annexed; nor unless such apprentice shall have been bound, if in England, for the full term of seven years, (not having been above the age of fourteen when so bound,) and, if in Ireland or in the British Isles, for the full term of five years at the least, (not having been above the age of sixteen when so bound,) and, if in Scotland, for the full term at least of four years, by a regular contract of indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture so duly executed shall, within three months after the commencement of the apprenticeship and before the period of enlistment, have been produced to a Justice of the Peace of the county wherein the parties reside, and there shall have been indorsed thereon by such Justice a certificate or declaration signed by him, specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such apprentice shall, when claimed by such master, be under twenty-one years of age; provided that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than seven, five, or four years as aforesaid; and any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice shall be entitled to receive, to his own use, so much of the bounty

parable to such recruit, after deducting therefrom two guineas to provide him with necessaries, as shall not have been paid to such recruit before notice given of his being an apprentice.

XLII. That all muster rolls and pay lists of Royal Marines required to be verified upon oath shall be sworn before and attested by any Justice of the Peace, without fee or reward to himself or his clerk.

XLIII. That when there shall not be any officer of His Majesty's land or marine forces of the rank of captain or of a superior rank, or any adjutant of militia, within convenient distance of the place where any non-commissioned officer or marine on furlough shall be detained by sickness or other casualty rendering necessary any extension of such furlough, it shall be lawful for any Justice, who shall be satisfied of such necessity, to grant an extension of furlough for a period not exceeding one month; and the said Justice shall immediately certify such extension, and the cause thereof, to the commanding officer of the division or detachment to which the man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary allowance of pay and subsistence may be remitted to the marine, who shall not during the period of such extension of furlough be liable to be treated as a deserter; provided that nothing herein contained shall be construed to exempt any marine from trial and punishment, according to the provision of this Act, for any false representation made by him in that behalf to the said officer or Justice so extending the furlough, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

And after noticing that there is and may be occasion for the marching and also for the quartering of the Royal Marine forces when on Shore;—

It is Enacted,

XLV. That during the continuance of this Act, upon the order or orders in writing in that behalf under the hand of the Lord High Admiral, or the hands of two or more of the Commissioners for executing the office of Lord High Admiral, for the time being, it shall be lawful for all constables and other persons specified in this Act, in England and Ireland, and they are hereby required, to billet the officers and marines whether marching or otherwise, and also all staff and field officers horses, and all bat and baggage horses belonging to the Royal Marine forces, when on actual service, (not exceeding for each officer the number for which forage is allowed by His Majesty's Regulations,) in victualling houses and other houses specified in this Act, taking care in Ireland not to billet less than two men in any one house; and they shall be received by the occupiers of such houses, and be furnished with proper accommodation in such houses, and in England with diet and small beer, and with stables, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates hereinafter provided; and at no times when marines are on a march shall any of them be billeted above one mile from the place mentioned in the route; and in all places where marines shall be billeted in pursuance of this Act, the officers and their horses shall be billeted in one and the same house, except in case of necessity, and the constables are hereby required to billet all marines on their march in a just and equal proportion upon the keepers of all houses within one mile of the place mentioned in the route, although some of such houses may be in the adjoining county, in like manner in every respect as if such houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any constable to billet marines out of the county to which such constable belongs, when the constable of the adjoining county shall be present, and undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective marines and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of marines billeted in his house, and shall prefer his complaint, if against a constable, or other person not being a Justice, to one or more Justices, and if against a Justice, then to two or more Justices, within whose jurisdiction such marines are billeted, such Justices respectively shall have power to order such of the marines to be removed and to be billeted upon other persons, as they shall see cause; and when any horses belonging to the officers of His Majesty's Royal Marine forces shall be billeted upon the occupiers of houses who shall have no stables, then upon a written requisition of the officer commanding such marines, the constable is hereby required to billet the horses upon some other person having stables by this Act liable to have officers and marines billeted upon them, and any two or more Justices of the Peace may order a proper allowance to be paid by the person relieved to the persons receiving such horses, or to be applied in the furnishing the requisite accommodation; and the commanding officer may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the convenience or benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any Justice, at the request of any officer or non-commissioned officer commanding any marines requiring billets, to extend any route, or enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to His Majesty's service: Provided always, that to prevent or punish all abuses in billeting marines, it shall be lawful for any Justice, within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and marines who shall be quartered by such constable, together with the names of the persons upon whom such officers and marines are billeted, stating the street or place where such persons dwell, and the signs, if any, belonging to their houses; and it shall be lawful to billet officers and marines in Scotland according to the provisions of the laws in force in Scotland at the time of its union with England; and no officer shall be obliged to pay for his lodging where he shall be regularly billeted, except in the suburbs of Edinburgh: Provided always, that no Justice, being an officer of Royal Marines, shall directly or indirectly be concerned in billeting or appointing quarters under this Act.

XLVI. That the innholder or other person on whom any marine is billeted in England shall, if required by such marine, furnish him for every day on the march, and for a period not exceeding two days when halted at any intermediate place upon the march, and for the day of arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by His Majesty's regulations, not exceeding one pound and a quarter of stout previous to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder, or other person furnishing the same, shall be paid the sum of 10d.; and all innholders and other persons on whom marines may be billeted in England (except on the march, when they

are entitled to be furnished with the hot meal as aforesaid,) shall furnish such marines with candles, vinegar, and salt, and shall allow them the use of fire and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of a halfpenny *per diem* for each marine; and the sum to be paid the innholder or other person on whom any of the horses belonging to His Majesty's Royal Marine forces shall be billeted, in England, for hay and straw, shall be 10*d.* *per diem* for each horse, and in Ireland the sum to be paid for forage to the innholder or other person for horses billeted, by virtue of this Act, shall be the rate established by the Lord Lieutenant or other sufficient authority from time to time, the same to be regulated by the average rate of contracts for forage in Ireland; and for the use of stables in Ireland, when such horses are provided with hay and straw by contract, and not by the occupiers of the houses in which they are billeted, the sum of 4*d.* *per week* for each horse shall be paid; and every officer to whom it belongs to receive or who shall actually receive the pay and subsistence of the said men shall every four days, or before they shall quit their quarters, if they shall not remain so long as four days, settle the just demands of all victuallers or other persons on whom such men are billeted, out of their pay and subsistence, before any part of the said pay or subsistence be distributed to them respectively; and if any such officer shall not pay the same, then upon complaint, and oath made thereof by any two witnesses, at the next quarter session for the county or city where such quarters are situate, the Secretary of the Admiralty is hereby required, upon certificate of the Justices before whom such oath shall be made of the sum due to the complainant, to order payment of the amount, which shall be charged against such officer; and in case of any marines being suddenly ordered to march, and of the commanding officer not being enabled to make immediate payment of the sums due on account of the billets, every such officer shall before his departure make up the account with every person upon whom any such marines may have been billeted, and sign a certificate thereof; which account and certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the officer's account.

XLVII. That for the regular provision of carriages for the Royal Marine forces and their baggage, on their marches in England and Ireland, all Justices of the Peace within their several jurisdictions, being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral, for the time being, shall, on the production of such order to them, or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of 1*s.* only shall be paid,) requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the number of miles between the places, for which number only so specified payment shall be demanded, and which number of miles shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any Justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burthen of providing carriages may fall equally, and to prevent inconvenience arising from there being no Justice residing near the place where marines may be quartered on the march, the Justice or Justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which lists shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorize the constables within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done.

XLVIII. That the rates to be paid for carriages impressed shall be, in England, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, 1*s.*; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than 1,500 weight, shall travel, 9*d.*; and for every mile every other cart or carriage with less than four horses, and not carrying 1,500 weight, shall travel, 6*d.*; and in Ireland, for every 100 weight loaded on any wheel carriage, 3*d.* *per mile*; and in England such further rates may be added, not exceeding a total additional sum *per mile* of 4*d.*, 3*d.*, or 2*d.*, to the respective rates of 1*s.*, 9*d.*, and 6*d.*, as may seem reasonable to the Justices assembled at general sessions in England, for their respective districts; and the order of such Justices at sessions shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, and the period for which the order shall be enforced, not exceeding ten days beyond the next general sessions; (and no such order shall be valid unless a copy thereof, signed by the presiding Magistrate and one other Justice, shall be transmitted to the Secretary of the Admiralty within three days after the making thereof;) and also in England, when the day's march shall exceed fifteen miles, the Justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when additional rates or compensation shall be granted, the Justice shall insert, in his own hand, in the warrant, the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher: Provided always, that the officer or non-commissioned officer demanding carriages by virtue of the warrant of a Justice shall, in England, pay down the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and, in Ireland, the officers or non-commissioned officers as aforesaid shall pay the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in presence of a Justice or constable: Provided also, that no carriage shall be liable to carry more than 3,000 weight in England, and in Ireland no car shall be liable to carry more than 600 weight, and no dray more than 1,200 weight; but the owner of such carriages in Ireland, consenting to carry a greater weight, shall be paid at the same rate for every 100 weight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of 3*d.* a mile for each car, and 6*d.* a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance of His Majesty's service; and the providing and paying for carriages in Scotland shall be regulated by the law in force at the time of the Union with England: Provided also, that a cart with one or more horses, for which the furnisher shall receive 9*d.* a mile, shall be required to carry 1,500 weight at the least; and that no penalties or forfeitures in any Act relating to highways or turnpike roads in

the United Kingdom shall apply to the number of horses or oxen, or weight of loading of the aforesaid carriages, nor shall any such carriages on that account be stopped or detained.

XLIX. That all officers and marines, being in proper uniform, dress or undress, and their horses, but not when passing in any private or hired vehicle, and all carriages and horses when employed in conveying persons or baggage under the provisions of this Act, or returning therefrom, shall be exempted from the payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or passing turnpike roads or bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal, from payment of tolls in like manner as other boats, barges, and vessels are liable thereto; and that when any officers or marines on service shall have occasion in the march to pass regular ferries in Scotland, the officer commanding shall be at liberty to pass over with his marines as passengers, paying for himself and each marine one half only of the ordinary rate payable by passengers, or he shall be at liberty to hire the ferry boat for himself and his party, debarring all others for that time, and shall in such case pay only half the ordinary rate for such boat.

L. That if any constable or other person, who by virtue of this Act shall be employed in billeting any officers or marines in any part of the United Kingdom, shall presume to billet any such officer or marine in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or marine on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such marines; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving any such officer or marine; or shall quarter any of the wives, children, men or maid servants of any officer or marine in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the Justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person appointed by such constable to provide carriages, horses, or vessels shall do any act or thing by which the execution of such warrants shall be hindered; or if any person liable by this Act to have any officer or marine quartered on him shall refuse to receive and to afford proper accommodation or diet in the house of such person in which he is quartered, or to furnish the several things directed to be furnished to officers and marines, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient hay and straw, for each horse, at the rate established by any Act in force in that respect; or shall pay any sum of money to any marine on the march in lieu of furnishing in kind the diet and small beer to which such marine is entitled; such constable, victualler, and other person respectively shall forfeit for every offence, neglect, or refusal any sum not exceeding 5*l.* nor less than 40*s.*

LI. That if any officer of Royal Marines shall take upon him to quarter men otherwise than is allowed by this Act, or shall use or offer any menace or compulsion to or upon any Justice, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or to do anything contrary thereto, such officer shall for every such offence, being thereof convicted before any two or more Justices of the county by the oath of two credible witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any military employment in His Majesty's service; provided a certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the conviction be affirmed at some quarter sessions of the peace for the said county to be held next after the expiration of three months after such certificate shall have been transmitted as aforesaid; and if any marine officer shall take, or knowingly suffer to be taken, any money or reward of any person for excusing the quartering of officers or marines, or shall billet any of the wives, children, men or maid servants of any officer or marine in any house, against the consent of the occupier, he shall for any of the said offences, upon being convicted thereof before a general court martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the Justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency, for which the Justice shall have given licence, or shall compel the driver of any carriage to take up any marine or servant (except such as are sick) or any woman to ride therein, except in cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, he shall forfeit for every offence any sum not exceeding 5*l.* or less than 40*s.*

LII. That any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive, any arms, ammunition, clothes, cap, or other military furniture or appointments, from any marine or marine deserter, or any other person, upon any account or pretence whatsoever, or shall solicit or entice any marine, or shall be employed by any marine, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, sheets, or other articles belonging to any marine or marine deserter, which are generally deemed regimental necessaries, according to the custom of the Royal Marine corps, or shall change or cause the colour or mark of any such clothes, appointments, or necessaries to be changed or defaced, shall forfeit for every such offence the sum of 20*l.*, together with treble the value of all or any of the several articles of which such offender shall so become possessed; and if any credible person shall prove on oath before a Justice of the Peace a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, on or with respect to which any such offence shall have been committed, the Justice may grant a warrant to search for such property as in the case of stolen goods.

And for the better preservation of the game and fish in or near such place where any officers shall at any time be quartered:—

It is Enacted,

LIII. That every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom, and who upon complaint thereof shall be, upon oath of one or more credible witness or witnesses, convicted before any Justice, shall for every such offence forfeit the sum of 5*l.*

LIV. That no officer of His Majesty's Royal Marine forces residing in barracks or elsewhere under military law shall be deemed liable to have any parish poor child bound apprentice to him.

LV. That any Justice in the United Kingdom, within whose jurisdiction any marine shall be quartered, may summon such marine before him, which summons such marine is hereby required to obey, and take his examination in writing, upon oath, touching the place of his last legal settlement in England, and such Justice shall give an attested copy of such examination to the person so examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy shall be at any time admitted in evidence as to such last legal settlement before any Justice or at any general or quarter sessions of the peace, although such marine be dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such Justice a copy of such examination, or a copy of such attested copy of examination, if required.

LVI. That all oaths which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any person giving false evidence or taking a false oath in any case wherein an oath is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to.

LVII. That it shall be lawful for any two Justices of the Peace, within their respective jurisdictions, to grant or transfer any licence for selling by retail any spirit, beer, wine, cider, or perry to any person or persons applying for the same who shall hold any canteen under any lease thereof, or by agreement with any department or other authority under the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being, without regard to the time of year, or any notices or certificates required by any Act in respect of such licences; and the Commissioners of Excise within their respective districts shall also grant or transfer any such licence as aforesaid; and such persons holding such canteens, and having such licences as aforesaid, may sell therein victuals, and all such excisable liquors as they shall be licensed and empowered to sell, without being subject for so doing to any penalty or forfeiture whatever.

LVIII. That if any action shall be brought against any member or minister of a court martial to be assembled under the authority of this Act, in respect of the proceedings or the sentence thereof, or against any other person for anything done in pursuance or under the authority of this Act, the same shall be brought in some one of the courts of record at Westminster or Dublin, or in the Court of Session in Scotland, and shall be commenced within six months next after the cause of action shall arise, and that it shall be lawful for the defendant or defendants therein to plead thereto the general issue, and to give all special matter in evidence on the trial; and if the verdict shall be for the defendant in any such action, or if the plaintiff shall become nonsuit, or suffer any discontinuance thereof, or if, in Scotland, the Court shall see fit to assize the defendant or dismiss the complaint, the Court in which the matter shall be tried shall allow the defendant treble costs, for the recovery of which he shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants.

LIX. That all offences for which any penalties and forfeitures are by this Act imposed, not exceeding 20*l.*, over and above any forfeiture of value and treble value, shall and may be determined, and such penalties and forfeitures and forfeitures of value and treble value shall and may be recovered, in any part of the United Kingdom, before one or more Justices of the Peace, under the provisions of an Act, 3 Geo. 4. c. 23, intitled, 'An Act to facilitate summary Proceedings before Justices of the Peace and others;' and by another Act, 5 Geo. 4. c. 18, intitled, 'An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables:' Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six months; which said recited Acts shall be used and applied in Scotland for the recovery of all such penalties and forfeitures as fully to all intents as if the said recited Acts had extended to Scotland, anything in the said recited Acts to the contrary notwithstanding; and all such offences committed in the British Isles, or in any of His Majesty's dominions beyond the seas, may be determined, and the penalties and forfeitures of value or treble value recovered, before any Justices of the Peace or persons exercising like authority, according to the laws of the part of His Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding 20*l.* shall be recovered by action in some of the courts of record at Westminster or in Dublin, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of His Majesty's dominions, in any of the Royal or Superior Courts of such isles or other parts of His Majesty's dominions.

LX. That one moiety of every such penalty or forfeiture, not including any treble value of any articles, shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of such articles, or where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value, shall be paid over and applied in such manner as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall direct; and every Justice who shall adjudge any penalty under this Act shall, within four days thereafter at the furthest, report the same and his adjudication thereof to the Secretary of the Admiralty.

LXI. That all clauses and provisions in this Act contained relating to England shall be construed to extend to Wales and the town of Berwick-upon-Tweed; and all clauses and provisions relating to marines shall be construed to include non-commissioned officers and drummers, unless when otherwise provided; and all clauses and provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective jurisdictions; and all the powers given to and regulations made for the conduct of constables, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such like officers, and high constables and other chief officers and magistrates of cities, towns, villages, and places in England and Ireland, who shall act in the execution of this Act; and all provisions for billeting marines in victualling houses shall extend and apply to all inns, livery stables, ale-houses, and to the houses of sellers of wine by retail, whether British or foreign, to be drank in their own houses or places thereunto belonging, and to all houses of persons selling

LXV. This Act may be altered, varied, or repealed by any Act or Acts in this present Session.

to wit, } of	One of His Majesty's Justices of the Peace of the	certify, That	One thousand
eight hundred and	came before me at	Day of	was
	and made Oath that he was by Trade a	and that	

bound to serve as an Apprentice to him in the said Trade, by Indenture dated the	Day of	for
the Term of	Years ; and that the said Apprentice did on or about the	Day of
abscond and quit the Service of the said	without his Consent, and that to the best of his Knowledge and	
Belief the said Apprentice is aged about	Years.	

CAP. V.

AN ACT for continuing to His Majesty until the Fifth Day of *July* One thousand eight hundred and thirty-five certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-four.

(26th March 1834.)

By this Act, the Commons granted, and it is Enacted,

I. That the duties imposed on sugar and molasses, and the bounties allowed thereon, by an Act, 1 Will. 4. c. 50, intituled, 'An Act for granting to His Majesty, until the Fifth Day of April One thousand eight hundred and thirty-one, certain Duties on Sugar, imported into the United Kingdom for the Service of the Year One thousand eight hundred and thirty,' and which have by several subsequent Acts been further continued until the 5th of April 1834, shall be and the same are hereby further continued until the 5th of July 1835.

II. That the several powers, provisions, matters, and things contained in the said recited Act shall be extended to this Act, and the duties and bounties hereby continued, in as full and ample a manner as if the same had been repeated and re-enacted in this Act, and made part thereof.

III. That there shall be provided and kept in the office of the Auditor of the Exchequer one book of register, in which all the money that shall be paid into the said Exchequer from so much of the said rates and duties hereby granted on sugar as shall arise and be payable in Great Britain shall be entered and registered apart and distinct from all other monies paid and payable to His Majesty ; and it shall be lawful for the Commissioners of the Treasury to issue and apply the same to such services as shall have been voted by the Commons of the United Kingdom in this present session ; and so much of the said duties on sugar as shall arise and be payable in Ireland shall be paid into the Exchequer there, and be carried to the Consolidated Fund of the United Kingdom.

IV. That the Commissioners of the Treasury may cause any number of Exchequer bills to be made out for any sum or sums not exceeding in the whole, including any sum or sums of money issued towards the aids or supplies in pursuance of this Act, the sum of 3,000,000*l.*, in manner prescribed by 48 Geo. 3. c. 1, intituled, 'An Act for regulating the issuing and paying off of Exchequer bills.

V. That all and every the clauses contained in that Act shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully as if particularly repeated in this Act.

VI. That the Exchequer bills to be made out in pursuance of this Act to bear an interest not exceeding 4*l.* per centum per annum.

VII. That the Governor and Company of the Bank of England may advance or lend upon the credit of the Exchequer bills authorized by this Act, any sum or sums of money not exceeding in the whole the sum of 3,000,000*l.* ; anything in 5 & 6 W. & M. c. 20, or in any subsequent Act, to the contrary notwithstanding.

VIII. That the Commissioners of the Treasury may cause such bills as shall be prepared by virtue of this Act to be placed as so much cash in the respective offices of the tellers of the said receipt of Exchequer.

IX. That the said Exchequer bills in the hands of the said tellers shall be locked up and secured as cash, and the Commissioners of the Treasury may issue and apply the same to such services as shall then have been voted by the Commons of the United Kingdom in this session.

X. Provided always, that the Exchequer bills to be made by virtue of this Act, together with the interest that may become due thereon, and the charges of exchanging and circulating the same, shall be chargeable and charged upon the rates, duties, and assessments on sugar granted by this Act ; and the Commissioners of the Treasury may direct to be issued to the said paymasters, by way of imprest and upon account, such sums of money and at such periods as the said Commissioners shall think necessary for and towards paying off and discharging such Exchequer bills, or any of them, and for and towards paying the interest to become due on the said bills, and for and towards the charge of exchanging and circulating the same bills or any of them.

XI. That on the 5th of July 1835, or within ten days after, the said Commissioners shall cause an account in writing to be taken and attested by the proper officers of the amount of all Exchequer bills that shall have been issued by virtue of this Act, and how much thereof shall before that time have been paid off or discharged, and how much thereof shall then remain undischarged.

XII. That the monies so remaining unsatisfied or not discharged, with the interest due or to grow due thereon, and the charges of exchanging and circulating the same, shall be paid and satisfied out of the next aid or aids to be granted in Parliament after the said 5th of July 1835.

XIII. That the surplus of the monies arising from the rates, duties, and assessments on sugar granted by this Act, after paying off and satisfying all the Exchequer bills issued by virtue of this Act, together with the interest that may become due thereon, and the charges of exchanging and circulating the same, shall, as a surplus of any such monies respectively, be paid into the Exchequer, to be carried to and made part of the Consolidated Fund.

XIV. That the Commissioners of the Treasury may pay and allow out of the monies to arise of or from the said rates and duties on sugar hereby granted, or of or from the said Consolidated Fund, from time to time the necessary charges of making the Exchequer bills hereby authorized to be made forth, and such other charges as shall be necessarily incident in or for the execution of this Act, or any part thereof, in relation to the said bills.

XV. Provided always, That whatever monies shall be issued out of the said Consolidated Fund shall from time to time be replaced by and out of the first supplies to be thereafter granted by Parliament.

XVI. This Act may be altered, amended, or repealed by any Act or Acts in this present session.

CAP. VI.

AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

(26th March 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Crimes punishable by death.
2. The ordinary course of law not to be interfered with.
3. Soldiers not to be taken away from the service for debts under 30L.
4. The King may make Articles of War in conformity with this Act.
5. Constitution of courts martial.
6. Composition of general courts martial.
7. Powers of general courts martial.
8. Trial by general court martial for embezzlement.
9. Powers of district or garrison courts martial.
10. Regimental courts martial.
11. Marking a deserter.
12. Powers of detachment courts martial.
13. Mixture of officers upon courts martial.
14. Power to administer oaths.
15. Proceedings of courts martial.
16. Appeal.
17. Report of proceedings of general courts martial.
18. Transportation from the United Kingdom.
19. Transportation from the colonies.
20. Offences against former Mutiny Acts may be tried under this Act.
21. Subsequent enlistment no protection from punishment for desertion.
22. Apprehension of deserters.
23. Fraudulent confession of desertion.
24. Recruits deserting liable to be transferred to the nearest regiment or dépôt.
25. Penalty for inducing or assisting to desert.
26. Penalty for forcible entry.
27. Custody of offenders under a military sentence.
28. Custody and subsistence of deserters.
29. Notice of expiration of imprisonment.
30. Persons subject to this Act.
31. Foreign troops in this country.
32. Militia and yeomanry.
33. Act to extend to certain islands.
34. Enlisting and swearing of recruits.
35. Disent and relief from enlistment.
36. Offences connected with enlistment.
37. Penalty on officers offending against laws regarding enlistment.
38. Enlistment and re-enlistment abroad.
39. Enlistment of negroes.
40. Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.
41. Claims of masters to apprentices.
42. Punishment of apprentices enlisting.
43. Musters and penalty on false musters.
44. Musters in and near Westminster.
45. Forfeiture of pay.
46. Extension of furlough in case of sickness.
47. Marching money on discharge.
48. Commissaries to attest their accounts.
49. Issue of pay of the army.
50. Penalty for disobedience by agents.
51. How and where troops may be billeted.
52. Billeting the guards in and near Westminster.
53. Military officers not to act as Justices in billeting.
54. Allowance to innkeepers.
55. Definition of Terms.—Powers and regulations as to billets.—Exemptions from billets.
56. Supply of carriages.
57. Rates to be paid, and mode of proceeding.
58. Supply of carriages in cases of emergency.
59. Justices empowered to reimburse the constables for sums expended by them.
60. Routes in Ireland.
61. Tolls.
62. Ferries.
63. Penalties upon civil subjects offending against the laws relating to billets and carriages.
64. Penalties upon the military so offending.
65. Penalties on purchasing soldiers necessaries, stores, &c.
66. Penalty on unlawful recruiting.
67. Penalty on trafficking in commissions.
68. Penalty on killing game.
69. Officers not liable to take parish apprentices.
70. Mode of recording a soldier's settlement.
71. Notification to parishes of good or bad conduct of soldiers.
72. Wages of a servant enlisting.

73. *Licences of cautions.*
 74. *Attestation of accounts.*
 75. *Forms of actions at law.*
 76. *Recovery of penalties.*

77. *Appropriation of penalties.*
 78. *Administration of oaths.—Perjury.*
 79. *Duration of Act.*
 80. *Alteration of the Act.*

[Such of the provisions of this Act as are given at length appear to be the only ones necessary to be stated fully in the abridgment of this Statute.]

By this Act,

The standing army of the United Kingdom is fixed at 88,952 men, exclusive of the officers and men employed in the territorial possessions of the East India Company, but including the officers and men of the troops and companies recruiting for those regiments:

And it is Enacted,

1. That if any person who is or shall be commissioned or in pay as an officer, or who is or shall be listed or in pay as a non-commissioned officer or soldier, shall, at any time during the continuance of this Act, begin, excite, cause, or join in any mutiny or sedition in His Majesty's land or marine forces, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny shall not, without delay, give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall be commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before relieved, or shall be found sleeping on his post; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of His Majesty's, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter into any terms with such rebel or enemy, without His Majesty's licence or licence of the General or Chief Commander; or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; or shall desert His Majesty's service; all and every person and persons so offending in any of the matters before mentioned, whether such offence shall be committed within this realm, or in any other of His Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or such other punishment as by a court martial shall be awarded.

Sections II. and III. similar in effect, as applicable to soldiers, to sections II. and III. of the Marine Mutiny Act.

xv. In this section is contained the following proviso—viz. Provided also, that all witnesses duly summoned by the Judge Advocate, or the person officiating as such, or by the president of a district or garrison court martial, shall, during their necessary attendance in such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the Court out of which the writ or process issued by which such witness was arrested, or if such Court be not sitting then by any Judge of the Court of King's Bench in London or in Dublin, or the Court of Session in Scotland, or courts of law in the East or West Indies or elsewhere, according as the case shall require, upon its being made to appear to such Court or Judge, by any affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court martial; and that all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence or to answer all such questions as the Court may legally demand of them, shall be liable to be attached in the Court of King's Bench in London or Dublin, or the Court of Session, or sheriff depute or stewards depute, or their respective substitutes, within their several shires and stewardries, in Scotland, or courts of law in the East or West Indies, or in any of His Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness had neglected to attend in a trial in any proceeding in that court.

Sections XXI., XXII., and XXIII., as to subsequent enlistment being no protection from punishment for desertion—the apprehension of deserters—and fraudulent confession of desertion,—are, as applicable to soldiers, similar to sections XXV., XXVI., and XXVII. on the like subjects in the Marine Mutiny Act.

xxv. That every person who shall, in any part of His Majesty's dominions, directly or indirectly persuade any soldier to desert, shall suffer such punishment by fine or imprisonment, or both, as the Court before which the conviction may take place shall adjudge: and every person who shall assist any deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such offence the sum of 20*l*.

xxvi. That every commissioned officer who shall, without warrant from one or more of His Majesty's Justices, forcibly enter into or break open the dwelling house or outhouses of any person whomsoever, under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of 20*l*.

Sections xxxiv., xxxv., xxxvi., and xxxvii. being as to the enlisting and swearing of recruits—dissent and relief from enlistment—offences connected with enlistment—and penalty on officers offending against laws regarding enlistment,—are, as applicable to soldiers, similar to sections xxxiii., xxxiv., xxxvii., and xxxix. in the Marine Mutiny Act.

xl. That any person duly bound as an apprentice who shall enlist as a soldier in His Majesty's or the East India Company's service, and shall state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall be

deemed guilty of obtaining money under false pretences within the true intent and meaning of the before-recited Acts, and shall, after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in any of His Majesty's regular forces, or in the forces of the East India Company, according to the terms of the enlistment; and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorized to receive recruits, may be taken as a deserter from His Majesty's forces.

XLII. That no master shall be entitled to claim an apprentice whos shall enlist as a soldier in His Majesty's or the East India Company's service, unless he shall, within one calendar month after such apprentice shall have left his service, go before some Justice and take the oath mentioned in the Schedule to this Act annexed, and produce the certificate of such Justice of his having taken such oath, which certificate such Justice is required to give in the form in the Schedule to this Act annexed; and unless such apprentice shall have been bound, if in England, for the full term of seven years, not having been above the age of fourteen when so bound, and if in Ireland or in the British isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment; and unless such contract or indenture so duly executed shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a Justice of the Peace of the county wherein the parties reside, and there shall have been indorsed thereon by such Justice a certificate or declaration signed by him, specifying the date when the person by whom such contract or indenture shall have been so produced, which certificate or declaration such Justice of the Peace is hereby required to indorse and sign; and unless such apprentice shall, when claimed by such master, be under twenty-one years of age; provided that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than seven, five, or four years as aforesaid; and any such master, who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice, shall be entitled to receive, to his own use, so much of the bounty payable to such recruit, after deducting therefrom 2l. 2s. to provide him with necessaries, as shall not have been paid to such recruit before notice given of his being an apprentice.

XLIII. That no apprentice claimed by his master shall be taken from any corps or recruiting party but under a warrant of a Justice residing near and within whose jurisdiction such apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such Justice, if required by such officer or non-commissioned officer, shall commit the offender to the common goal of the said place, and shall keep the indenture, to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the session immediately succeeding the next general or quarter sessions of the county, division, or place, unless the Court shall on just cause put off the trial; and the production of the indenture, with the certificate of the Justices that the same was proved, shall be sufficient evidence of the said indenture; and every such offender, in Scotland, may be tried by the Judge Ordinary in the county or stewardry, in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment; provided that any Justice not required as aforesaid to commit such apprentice may deliver him to his master.

Sections LL., LIV., LVII., LVIII., as to how and where troops may be billeted—allowance to innkeepers—and rates to be paid and mode of proceeding,—are, as applicable to soldiers, similar to XLV., XLVI., XLVII., and XLVIII. in the Marine Mutiny Act,

LVIII. That it shall be lawful for His Majesty, or the Lord Lieutenant or Chief Governors of Ireland, by his or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary at War, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the military department, to authorize any General or field officer commanding His Majesty's forces in any district or place, or to the chief acting agent for the supply of stores and provisions, by writing under his hand, reciting such order of His Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several jurisdictions in England and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person, and for any use whatsoever, but also of saddle horses, coaches, post chaises, chaises, and other four-wheeled carriages kept for hire, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition to such Justice by any officer of the corps ordered to be conveyed, or by any officer of the Commissariat or Ordnance department, such Justice shall take all the same proceedings in regard to such additional supply so required on the said emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act, as regards the procuring of the ordinary supply of carriages; and the duties of officers and non-commissioned officers, Justices, constables, and owners of carriages, in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rate of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post-horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

LIX. That it shall be lawful for the Justices of the Peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient, then out of the monies which the said Justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and condition of the ways by which such carriages and vessels are to pass.

LXI. That all His Majesty's officers and soldiers, being in proper staff or regimental or military uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle,) and all carriages and horses belonging to His Majesty or employed in his service, when conveying persons or baggage under the provisions of this Act, or returning therefrom, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or passing turnpike roads or bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and any toll collector who shall demand and receive toll from any of His Majesty's officers or soldiers, they being in proper staff or regimental or military uniform, dress or undress, or for their horses, every such toll collector shall forfeit and pay any sum not exceeding 5*l.* for every such offence, for which forfeiture and penalty he shall be prosecuted before a Justice of the Peace, and in no other way; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal, from payment of tolls, in like manner as other boats, barges, and vessels are liable thereto.

LXII. That when any soldiers on service have occasion in their march to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in such cases pay only half the ordinary rate for such boat.

LXV. That any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy exchange, or receive from any soldier or deserter, or any other person, on any pretence whatsoever, or shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or regimental necessities, or any article of forage provided for any horses belonging to His Majesty's service, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding 20*l.* nor less than 5*l.*, together with treble value of all or any of the several articles of which such offender shall so become possessed; and if any credible person shall prove on oath before a Justice of the Peace a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, on or with respect to which any offence shall have been committed, the Justice may grant a warrant to search for such property, as in the case of stolen goods.

LXVII. That every person, not being an authorized army agent, who shall negotiate or act as agent for and in relation to the purchase, sale, or exchange of any commission in His Majesty's forces, shall forfeit for every such offence the sum of 100*l.*; and every person, whether authorized or not as an army agent, who shall receive any money or reward in respect of any such purchase, sale, or exchange, or shall negotiate or receive for any purpose whatsoever any money or consideration where no price is allowed by His Majesty's regulations, or any money or consideration exceeding the amount so allowed, shall forfeit 100*l.*, and treble the value of the consideration where the commission is not allowed to be sold, or treble the excess of such consideration beyond the regular price.

And for the better preservation of game and fish in or near such places where any officers shall at any time be quartered:—

It is Enacted,

LXVIII. That every officer who shall, without leave in writing from the persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom of Great Britain and Ireland, and upon complaint thereof shall be, upon oath of one or more credible witnesses, convicted before any Justice, shall for every such offence forfeit the sum of 5*l.*

LXIX. That no officer of His Majesty's forces residing in barracks or elsewhere under military law shall be deemed liable to have any parish poor child bound apprentice to him.

LXX. That any Justice in the United Kingdom, within whose jurisdiction any soldier in the regular army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement in England, and such Justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy shall be at any time admitted in evidence as to such last legal settlement before any Justice or at any general or quarter sessions, although such soldier be dead or absent from the kingdom: provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

LXXI. That the churchwardens of every parish in England and Ireland, and the constables or other officers of every parish or place in Scotland, on receiving a notification from the Secretary at War of the names of any soldiers belonging to the said parish who have, for meritorious conduct in the army received His Majesty's special approbation, or who, in consequence of misconduct, have been dismissed His Majesty's service with disgrace, shall affix such notification on the outside of the door of the church or chapel belonging to such parish or place on the Sunday next succeeding the receipt of the said notification.

LXXII. That it shall be lawful for the Justice, before whom any recruit shall be attested before the expiration of the term of service for which he had been hired by his master, to adjudge to such recruit a reasonable proportion of his wages for the time he has actually served; and the said Justice shall make an order for the payment of the amount so awarded, and, in case of neglect or refusal to pay the same within four days, shall issue his warrant for levying the same by distress and sale of the goods and chattels of the master.

CAP. VII.

AN ACT to repeal, at the Period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George the Third*, intituled, 'An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen *Anne*, and in other Acts relating to the Revenue of the Post Office,' as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in *North America*.

(26th March 1834.)

By this Act,

After noticing, 5 Geo. 3. c. 23,

It is Enacted,

I. That from and after His Majesty's consent shall in the usual form be signified by the Governors or Deputy Governors of His Majesty's colonies or provinces in *North America* to Bills or Acts of the legislatures of such respective colonies or provinces authorizing the demanding and taking within such respective colonies or provinces, by His Majesty's Postmaster General or his deputy or deputies, the like rates of postage as are authorized to be received and taken by the said recited Act, 5 Geo. 3. or such other rates of postage as in and by such Bills or Acts respectively may be mentioned and authorized to be received and taken, and for making such regulations for the management of the Post Office within such colonies and provinces, by His Majesty's Postmaster General or his deputies, as shall be therein directed, then the said Act, 5 Geo. 3. so far as the said Act authorizes the demand and receipt of any rates for the inland carriage and conveyance of letters and packets within such colonies or provinces respectively, shall thenceforth be absolutely repealed, and be no longer of any effect.

II. That from and after His Majesty's consent shall be so signified to such Bills or Acts of colonial or provincial legislatures as hereinbefore mentioned, all the revenue which may arise from the collection of the rates of inland postage within the said respective colonies or provinces (after deducting the expenses of collection, and of the establishment and management of the Post Office within and throughout the said respective colonies or provinces under the direction of His Majesty's Postmaster General or his deputies,) shall and may, instead of being remitted as heretofore to the General Post Office in London, as part of the general revenue of the Post Office, be appropriated, applied, and distributed to and among the said respective colonies and provinces in proportion to the gross amount of the rates and duties of postage which shall be raised, collected, and received within each and every such respective colonies or provinces, unless and until the said colonies or provinces shall, by Bills or Acts of their respective legislatures to which His Majesty's consent shall in the usual form be signified, unite and agree in directing any other mode in which such surplus shall be applied and disposed of.

III. This Act may be altered, varied, or repealed in this present session.

CAP. VIII.—IRELAND.

AN ACT to amend an Act passed in the last Session, for consolidating and amending the Laws relative to Jurors and Juries in *Ireland*.

(26th March 1834.)

CAP. IX.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-five; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

(26th March 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further time.
2. Indemnity to those who have omitted to make and subscribe the oaths, &c. required by the Irish Act of 3 Anne.
3. Not to indemnify persons against whom final judgment is given.
4. Not to exempt Justices acting without legal qualification.
5. Admissions to corporations may be stamped after time allowed by law.
6. Indemnity to persons who have paid the duties on indentures to serve as clerks to attornies, &c., but have neglected to cause affidavits thereof to be made.—Neglect of attornies, &c. in taking out their annual certificates not to disqualify the persons who have served them.
7. Not to restore persons to any office avoided by Judgment.
8. General issue.

By this Act,

After noticing that divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or assurance respectively appointed to be by such persons taken and subscribed in and by 1 Geo. 1. st. 2. c. 13; or to have qualified themselves according to an Act, 13 Car. 2. st. 2. c. 1; or according to another Act, 25 Car. 2. st. 2. c. 2; or according to another Act, 30 Car. 2. st. 2. c. 1; or according to another Act, 8 Geo. 1. c. 6; or according to another Act, 9 Geo. 2. c. 26; or according to another Act, 18 Geo. 2. c. 20; or according to another Act, 6 Geo. 3. c. 53; or according to another Act, 9 Geo. 4. c. 17; or according to another Act, 10 Geo. 4. c. 7, so far only as the said Act relates to any civil or military offices or places of trust, or places of profit or corporate offices; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the oaths and assurance and make and subscribe the declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such time and in such manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of His Majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions:—

It is Enacted,

I. That all and every person or persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the oaths and declarations, or otherwise to qualify him, her, or themselves, within such time and in such manner as in and by the said Acts, or any of them, is required, and who, after accepting any such office, place, or employment, or undertaking any profession or thing, on account of which such qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said oaths or made the declarations required by law, or who, on or before the 25th March 1835, shall take and subscribe the oaths, declarations, and assurance respectively, in such cases wherein by the said several Acts or any or either of them the said oaths, declarations, and assurance ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission, previous to the passing of this Act, of taking or subscribing the said oaths or assurance, or making or subscribing the said declarations respectively, or taking or subscribing the said oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such person or persons is and are shall be fully and actually recapacitated and restored to the same state and condition as he, she, or they were in before such neglect or omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all elections of, and acts done or to be done by any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, according to the directions of the said Acts and every or any of them; and that the qualification of such person or persons qualifying themselves in manner and within the time appointed by this Act shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, within the time and in the manner appointed by the several Acts before mentioned.

And after noticing that several persons well affected to His Majesty's government, and to the United Church of England and Ireland, have, through ignorance of the law, neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the declaration according to the directions of an Act, (Irish) 2 Anne, intitled, 'An Act to prevent the further Growth of Popery':—

It is Enacted,

II. That all persons who have incurred any penalty or incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and that no act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oath, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said Act is mentioned; anything in the said Act to the contrary notwithstanding: Provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place or places respectively, as are directed and appointed by the said last-recited Act, on or before the 25th March 1835.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of His Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

IV. Provided always, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within Great Britain from the penalties to which he is subject for acting as such without being possessed of the qualification required by the laws now in force.

And after noticing that the appointment of divers clerks of the peace, town clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns in Great Britain and Ireland, or the entries of such admissions in the court books, rolls, or records of such cities, corporations, and borough towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid:—

It is further Enacted,

V. That for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in Great Britain or Ireland, on or before the 25th March 1835, to provide or cause to be provided appointments and admissions, or entries of admissions as aforesaid, duly stamped; or in case where such appointments, admissions,

or entries of admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid to the Commissioners appointed to inspect and manage the revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on payment of double the amount of the duties first payable or to have been paid on such appointments, admissions, or entries as aforesaid, without any other fine or forfeiture thereon; and in order to denote the said duties, the said Commissioners are hereby authorized and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this Act in execution, in the like and in as full and ample manner as they or the major part of them are authorized to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, and other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold and enjoy and execute such offices, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns as aforesaid, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

And after noticing that many persons who may have paid the proper stamp duties, either before or within six months after the execution of the contracts in writing entered into by them to serve as clerks to attornies or solicitors, scriveners, or notaries public in Great Britain, have omitted to cause affidavits to be made, and afterward to be filed in the proper office, of the actual execution of such contracts, and have also omitted to cause such contracts and the indentures thereof to be enrolled within the time in which the same ought to have been done; and many solicitors, attornies, notaries public, and others have omitted to take out annual certificates, or to enter the same in the proper office; and many infants and others may thereby incur certain disabilities: for preventing thereof, and relieving such persons—

It is Enacted,

VI. That every person who shall, either before or within six months after the execution of such contract or indenture, have paid the proper stamp duty in that behalf, and who at the passing of this Act shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, or such contract or indenture to be enrolled, and who, on or before the first day of Hilary Term 1835, shall cause such contract or indenture to be enrolled with the proper officer in that behalf, and one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be and is hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities in or by any Act or Acts of Parliament mentioned, and incurred or to be incurred for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the first day of Hilary Term 1835, shall be as effectual as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed; and that the respective officer or officers who ought to receive, file, enter, or register such contract or indenture, or affidavit or affidavits, shall not refuse to receive, file, enter, or register the same by reason that the attorney, solicitor, or notary public to whom such infant or other person shall have been articulated or have contracted to serve, shall have neglected to take out his annual certificate, or to register the same, but such officer or officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such omission; and that every person who shall have regularly served any attorney or attornies, solicitor or solicitors, notary public or notaries public, for the term of years required by law, shall not be prevented or disqualified from being admitted an attorney, solicitor, or notary public, by reason of any omission of the person or persons to whom he served for the same term, or for any part thereof, having so neglected to take out his annual certificate, or to register the same, provided that such person is otherwise entitled to be created and admitted to such office by the laws now in force relating thereto.

VII. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgments of any of His Majesty's courts of record, already legally filled up and enjoyed by any other person; but that such office or employment, benefice, matter, or thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

VIII. That in case any action, suit, bill of indictment, or information shall from and after the passing of this Act be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapitulated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon.

CAP. X.

AN ACT for continuing until the First Day of June One thousand eight hundred and thirty-six the several Acts for regulating the Turnpike Roads in Great Britain which will expire with the present or the next Session of Parliament.

(26th March 1834.)

By this Act,

After noticing that it is expedient that the several Acts for making, amending, and repairing the turnpike roads in Great Britain, which will expire with the present Session or the next Session of Parliament, should be continued for a limited time:—

LXI. That all His Majesty's officers and soldiers, being in proper staff or regimental or military uniform, dress or undress, and their horses, (but not when passing in any hired or private vehicle,) and all carriages and horses belonging to His Majesty or employed in his service, when conveying persons or baggage under the provisions of this Act, or returning therefrom, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or passing turnpike roads or bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and any toll collector who shall demand and receive toll from any of His Majesty's officers or soldiers, they being in proper staff or regimental or military uniform, dress or undress, or for their horses, every such toll collector shall forfeit and pay any sum not exceeding 5*l.* for every such offence, for which forfeiture and penalty he shall be prosecuted before a Justice of the Peace, and in no other way; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal, from payment of tolls, in like manner as other boats, barges, and vessels are liable thereto.

LXII. That when any soldiers on service have occasion in their march to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in such cases pay only half the ordinary rate for such boat.

LXV. That any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy exchange, or receive from any soldier or deserter, or any other person, on any pretence whatsoever, or shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or regimental necessities, or any article of forage provided for any horses belonging to His Majesty's service, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding 20*l.* nor less than 5*l.*, together with treble value of all or any of the several articles of which such offender shall so become possessed; and if any credible person shall prove on oath before a Justice of the Peace a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, on or with respect to which any such offence shall have been committed, the Justice may grant a warrant to search for such property, as in the case of stolen goods.

LXVII. That every person, not being an authorized army agent, who shall negotiate or act as agent for and in relation to the purchase, sale, or exchange of any commission in His Majesty's forces, shall forfeit for every such offence the sum of 100*l.*; and every person, whether authorized or not as an army agent, who shall receive any money or reward in respect of any such purchase, sale, or exchange, or shall negotiate or receive for any purpose whatsoever any money or consideration where no price is allowed by His Majesty's regulations, or any money or consideration exceeding the amount so allowed, shall forfeit 100*l.*, and treble the value of the consideration where the commission is not allowed to be sold, or treble the excess of such consideration beyond the regular price.

And for the better preservation of game and fish in or near such places where any officers shall at any time be quartered:—

It is Enacted,

LXVIII. That every officer who shall, without leave in writing from the persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom of Great Britain and Ireland, and upon complaint thereof shall be, upon oath of one or more credible witnesses, convicted before any Justice, shall for every such offence forfeit the sum of 5*l.*

LXIX. That no officer of His Majesty's forces residing in barracks or elsewhere under military law shall be deemed liable to have any parish poor child bound apprentice to him.

LXX. That any Justice in the United Kingdom, within whose jurisdiction any soldier in the regular army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, which summons he is hereby directed to obey, and take his examination in writing, upon oath, touching the place of his last legal settlement in England, and such Justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy shall be at any time admitted in evidence as to such last legal settlement before any Justice or at any general or quarter sessions, although such soldier be dead or absent from the kingdom: provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

LXXI. That the churchwardens of every parish in England and Ireland, and the constables or other officers of every parish or place in Scotland, on receiving a notification from the Secretary at War of the names of any soldiers belonging to the said parish who have, for meritorious conduct in the army received His Majesty's special approbation, or who, in consequence of misconduct, have been dismissed His Majesty's service with disgrace, shall affix such notification on the outside of the door of the church or chapel belonging to such parish or place on the Sunday next succeeding the receipt of the said notification.

LXXII. That it shall be lawful for the Justice, before whom any recruit shall be attested before the expiration of the term of service for which he had been hired by his master, to adjudge to such recruit a reasonable proportion of his wages for the time he has actually served; and the said Justice shall make an order for the payment of the amount so awarded, and, in case of neglect or refusal to pay the same within four days, shall issue his warrant for levying the same by distress and sale of the goods and chattels of the master.

CAP. VII.

AN ACT to repeal, at the Period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled, 'An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen *Anne*, and in other Acts relating to the Revenue of the Post Office,' as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in *North America*.

(26th March 1834.)

By this Act,

After noticing, 5 Geo. 3. c. 23,

It is Enacted,

I. That from and after His Majesty's consent shall in the usual form be signified by the Governors or Deputy Governors of His Majesty's colonies or provinces in North America to Bills or Acts of the legislatures of such respective colonies or provinces authorizing the demanding and taking within such respective colonies or provinces, by His Majesty's Postmaster General or his deputy or deputies, the like rates of postage as are authorized to be received and taken by the said recited Act, 5 Geo. 3. or such other rates of postage as in and by such Bills or Acts respectively may be mentioned and authorized to be received and taken, and for making such regulations for the management of the Post Office within such colonies and provinces, by His Majesty's Postmaster General or his deputies, as shall be therein directed, then the said Act, 5 Geo. 3. so far as the said Act authorizes the demand and receipt of any rates for the inland carriage and conveyance of letters and packets within such colonies or provinces respectively, shall thenceforth be absolutely repealed, and be no longer of any effect.

II. That from and after His Majesty's consent shall be so signified to such Bills or Acts of colonial or provincial legislatures as hereinbefore mentioned, all the revenue which may arise from the collection of the rates of inland postage within the said respective colonies or provinces (after deducting the expenses of collection, and of the establishment and management of the Post Office within and throughout the said respective colonies or provinces under the direction of His Majesty's Postmaster General or his deputies,) shall and may, instead of being remitted as heretofore to the General Post Office in London, as part of the general revenue of the Post Office, be appropriated, applied, and distributed to and among the said respective colonies and provinces in proportion to the gross amount of the rates and duties of postage which shall be raised, collected, and received within each and every such respective colonies or provinces, unless and until the said colonies or provinces shall, by Bills or Acts of their respective legislatures to which His Majesty's consent shall in the usual form be signified, unite and agree in directing any other mode in which such surplus shall be applied and disposed of.

III. This Act may be altered, varied, or repealed in this present session.

CAP. VIII.—IRELAND.

AN ACT to amend an Act passed in the last Session, for consolidating and amending the Laws relative to Jurors and Juries in *Ireland*.

(26th March 1834.)

CAP. IX.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-five; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

(26th March 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further time.
2. Indemnity to those who have omitted to make and subscribe the oaths, &c. required by the Irish Act of 2 Anne.
3. Not to indemnify persons against whom final judgment is given.
4. Not to exempt Justices acting without legal qualification.
5. Admissions to corporations may be stamped after time allowed by law.
6. Indemnity to persons who have paid the duties on indentures to serve as clerks to attornies, &c., but have neglected to cause affidavits thereof to be made.—Neglect of attornies, &c. in taking out their annual certificates not to disqualify the persons who have served them.
7. Not to restore persons to any office avoided by Judgment.
8. General issue.

By this Act,

After noticing that divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or assurance respectively appointed to be by such persons taken and subscribed in and by 1 Geo. 1. st. 2. c. 13; or to have qualified themselves according to an Act, 13 Car. 2. st. 2. c. 1; or according to another Act, 25 Car. 2. st. 2. c. 2; or according to another Act, 30 Car. 2. st. 2. c. 1; or according to another Act, 8 Geo. 1. c. 6; or according to another Act, 9 Geo. 2. c. 26; or according to another Act, 18 Geo. 2. c. 20; or according to another Act, 6 Geo. 3. c. 53; or according to another Act, 9 Geo. 4. c. 17; or according to another Act, 10 Geo. 4. c. 7, so far only as the said Act relates to any civil or military offices or places of trust, or places of profit or corporate offices; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the oaths and assurance and make and subscribe the declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such time and in such manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of His Majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions:—

It is Enacted,

I. That all and every person or persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the oaths and declarations, or otherwise to qualify him, her, or themselves, within such time and in such manner as in and by the said Acts, or any of them, is required, and who, after accepting any such office, place, or employment, or undertaking any profession or thing, on account of which such qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said oaths or made the declarations required by law, or who, on or before the 25th March 1835, shall take and subscribe the oaths, declarations, and assurance respectively, in such cases wherein by the said several Acts or any or either of them the said oaths, declarations, and assurance ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission, previous to the passing of this Act, of taking or subscribing the said oaths or assurance, or making or subscribing the said declarations respectively, or taking or subscribing the said oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such person or persons is and are and shall be fully and actually recapacitated and restored to the same state and condition as he, she, or they were in before such neglect or omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all elections of, and acts done or to be done by any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, according to the directions of the said Acts and every or any of them; and that the qualification of such person or persons qualifying themselves in manner and within the time appointed by this Act shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, within the time and in the manner appointed by the several Acts before mentioned.

And after noticing that several persons well affected to His Majesty's government, and to the United Church of England and Ireland, have, through ignorance of the law, neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the declaration according to the directions of an Act, (Irish) 2 Anne, intituled, 'An Act to prevent the further Growth of Popery':—

It is Enacted,

II. That all persons who have incurred any penalty or incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and that no act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oath, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said Act is mentioned; anything in the said Act to the contrary notwithstanding: Provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place or places respectively, as are directed and appointed by the said last-recited Act, on or before the 25th March 1835.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of His Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

IV. Provided always, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within Great Britain from the penalties to which he is subject for acting as such without being possessed of the qualification required by the laws now in force.

And after noticing that the appointment of divers clerks of the peace, town clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns in Great Britain and Ireland, or the entries of such admissions in the court books, rolls, or records of such cities, corporations, and borough towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid:—

It is further Enacted,

V. That for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in Great Britain or Ireland, on or before the 25th March 1835, to provide or cause to be provided appointments and admissions, or entries of admissions as aforesaid, duly stamped; or in case where such appointments, admissions,

or entries of admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid to the Commissioners appointed to inspect and manage the revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on payment of double the amount of the duties first payable or to have been paid on such appointments, admissions, or entries as aforesaid, without any other fine or forfeiture thereon; and in order to denote the said duties, the said Commissioners are hereby authorized and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this Act in execution, in the like and in as full and ample manner as they or the major part of them are authorized to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, and other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold and enjoy and execute such offices, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns as aforesaid, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

And after noticing that many persons who may have paid the proper stamp duties, either before or within six months after the execution of the contracts in writing entered into by them to serve as clerks to attorneys or solicitors, scriveners, or notaries public in Great Britain, have omitted to cause affidavits to be made, and afterward to be filed in the proper office, of the actual execution of such contracts, and have also omitted to cause such contracts and the indentures thereof to be enrolled within the time in which the same ought to have been done; and many solicitors, attorneys, notaries public, and others have omitted to take out annual certificates, or to enter the same in the proper office; and many infants and others may thereby incur certain disabilities: for preventing thereof, and relieving such persons—

It is Enacted,

VI. That every person who shall, either before or within six months after the execution of such contract or indenture, have paid the proper stamp duty in that behalf, and who at the passing of this Act shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, or such contract or indenture to be enrolled, and who, on or before the first day of Hilary Term 1835, shall cause such contract or indenture to be enrolled with the proper officer in that behalf, and one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be and is hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities in or by any Act or Acts of Parliament mentioned, and incurred or to be incurred for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the first day of Hilary Term 1835, shall be as effectual as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed; and that the respective officer or officers who ought to receive, file, enter, or register such contract or indenture, or affidavit or affidavits, shall not refuse to receive, file, enter, or register the same by reason that the attorney, solicitor, or notary public to whom such infant or other person shall have been articulated or have contracted to serve, shall have neglected to take out his annual certificate, or to register the same, but such officer or officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such omission; and that every person who shall have regularly served any attorney or attorneys, solicitor or solicitors, notary public or notaries public, for the term of years required by law, shall not be prevented or disqualified from being admitted an attorney, solicitor, or notary public, by reason of any omission of the person or persons to whom he served for the same term, or for any part thereof, having so neglected to take out his annual certificate, or to register the same, provided that such person is otherwise entitled to be created and admitted to such office by the laws now in force relating thereto.

VII. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgments of any of His Majesty's courts of record, already legally filled up and enjoyed by any other person; but that such office or employment, benefice, matter, or thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

VIII. That in case any action, suit, bill of indictment, or information shall from and after the passing of this Act be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon.

CAP. X.

AN ACT for continuing until the First Day of June One thousand eight hundred and thirty-six the several Acts for regulating the Turnpike Roads in Great Britain which will expire with the present or the next Session of Parliament.

By this Act,

After noticing that it is expedient that the several Acts for making, amending, and repairing the turnpike roads in Great Britain, which will expire with the present Session or the next Session of Parliament, should be continued for a limited time:—

(26th March 1834.)

It is therefore Enacted,

I. That all and every Act and Acts of Parliament for making, amending, and repairing any turnpike roads in Great Britain, which will expire with the present or the next session of Parliament, shall be and the same is and are hereby continued until the 1st of June 1836, or if Parliament shall then be sitting, until the end of the then Session of Parliament.

II. That nothing in this Act contained shall extend or be construed to extend to an Act, 52 Geo. 3. c. 149, intituled, 'An Act for widening and improving the Street or Road leading from Tower Hill to the Street called Upper East Smithfield, in the Parish of Saint Botolph without Aldgate, in the County of Middlesex;' nor to another Act, 53 Geo. 3. c. 72, intituled, 'An Act for enlarging the Powers of an Act of His present Majesty, for widening and improving Upper East Smithfield, in the Parish of Saint Botolph without Aldgate, in the County of Middlesex;' nor to another Act, 56 Geo. 3. c. xlv, intituled, 'An Act for altering, amending, and explaining Two Acts of His present Majesty's Reign, for widening and improving the Street leading from Tower Hill to the Street called Upper East Smithfield, in the County of Middlesex.'

CAP. XI.

AN ACT for continuing to His Majesty until the Fifth Day of *July* One thousand eight hundred and thirty-five certain Duties on Offices and Pensions, for the Service of the Year One thousand eight hundred and thirty-four; and to appropriate any Sums arising from the Redemption of the Land Tax,

(26th March 1834.)

By this ACT, the Commons granted, and it is Enacted,

I. That the several and respective sums charged by virtue of an Act, 38 Geo. 3. c. 5, intituled, 'An Act for granting an Aid to His Majesty by a Land Tax, to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety-eight,' upon any person or persons in respect of any public office or employment of profit, or any salaries, gratuitous bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends, or yearly payments in the said Act mentioned, and which were by the said recited Act directed, after the 25th of March 1799, to be ascertained, raised, levied, collected, and paid according to the directions of any Act or Acts to be passed for that purpose, and which sums of money and duties last mentioned have been from time to time continued by divers Acts, and are now in force until the 25th of March 1834, shall be continued and raised, levied, collected, and paid unto His present Majesty from the said 25th of March 1834 until the 5th of July 1835.

II. That the several powers and provisions contained in an Act, 6 Geo. 4. c. 9, intituled 'An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in England; and also for granting certain Duties on Sugar imported; for the Service of the Year One thousand eight hundred and twenty-five,' for the ascertaining, assessing, taxing, regulating, paying, and accounting for the duties on offices and pensions, shall extend and be construed to extend to the duties on offices and pensions hereby granted and continued, except where other provisions are made by this Act; and that the several powers and provisions in the said Act contained, which relate or refer to any day or time within or during or before or after the year commencing from the 25th of March 1825, shall extend and be construed to relate to the like days and times within or during or before or after the year commencing from the 25th of March 1834 in like manner as by the said recited Act is directed with reference to the year 1825, and as if the several powers and provisions in the said recited Act contained were repeated and re-enacted in this present Act.

III. Provided always, That no assessment shall be made by any commissioner or commissioners, assessor or assessors of the land tax, or otherwise, for or in respect of the several duties of 1s. 6d. in the pound payable to His Majesty under the several Acts in force on annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments whatever granted and continued by this Act, where the same are payable out of the public revenue of the receipt of the Exchequer or elsewhere in Great Britain by any officer or officers; but that all and every such annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments shall and are hereby declared to be charged and assessed to the said duties respectively to the same annual amount as heretofore rated, charged, or assessed under any Act or Acts; and all monies applicable to the payment of such annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments shall be issued, paid, and discharged less by the amount of the said duties to all intents as if the same were continued to be charged by annual assessment, and hereby authorized to be stopped and deducted as duties payable to His Majesty, anything in this Act or any former Act or Acts contained to the contrary notwithstanding: Provided also, that where any officer who shall be in receipt of any such annuity, pension, stipend, salary, wages, allowance, or other yearly payment payable at the Exchequer or elsewhere in Great Britain, out of the public revenue as aforesaid, shall also be in receipt of perquisites, fees, gratuities, wages, allowances, or other profits not so payable, but which are chargeable with the said duties, it shall be lawful for the Lords Commissioners of the Treasury to authorize such last-mentioned duties, unless otherwise paid, to be stopped or detained from the amount of the salary or other yearly payment made to any such officer; and it shall and may be lawful for the said Commissioners of the Treasury, or any three or more of them, by any warrant under their hands, whenever they shall deem the same advisable, to authorize and direct that the amount of any annuity, pension, stipend, salary, wages, allowances, or other yearly payments whatever payable out of the public revenue in any branch or department thereof, and chargeable with any of the said duties, shall be reduced and paid short by the amount of the assessment or assessments of any of such duties respectively, as if such assessments were actually made; and every such warrant shall be received in discharge of any such assessment, and as a full authority for reducing the said annual payments and paying the same short as aforesaid.

iv. That there shall be provided and kept, in the office of the Auditor of the Exchequer at Westminster, one book of register, in which all the money that shall be paid into the said Exchequer for the said rates and duties hereby granted or continued on offices and employments of profit, pensions, annuities, and stipends, shall be entered and registered apart and distinct from all other monies paid and payable to His Majesty; and the said duties shall be carried to and made part of the Consolidated Fund.

And after noticing an Act, 42 Geo. 3. c. 116, whereby it is enacted, that the sums to be paid by way of interest on the contracts for the redemption of the land tax by the transfer of stock or payment of money by instalments shall be paid into the receipt of His Majesty's Exchequer, and shall be applicable to such uses and purposes as shall have been or shall be voted by the Commons in Parliament:—

It is Enacted,

v. That after the passing of this Act the sums so paid into the receipt of the Exchequer shall be placed to the account of the Consolidated Fund.

vi. That this Act may be altered, amended, or repealed by any Act or Acts in this present Session.

CAP. XII.

AN ACT to apply a Sum of Seven Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-four.

(26th March 1834.)

By this Act, the Commons granted, and it is Enacted,

i. That there shall and may be issued and applied, for or towards making good the supply for the service of the year 1834, the sum of 7,000,000*l.* out of the Consolidated Fund, and the Commissioners of the Treasury, or any three or more of them, or the Lord High Treasurer for the time being, are or is to issue and apply the same accordingly.

ii. That the Commissioners of the Treasury or any three or more of them, by warrant under their hands, may cause any number of Exchequer bills to be made out at the receipt of the Exchequer for any sum or sums not exceeding in the whole 7,000,000*l.*; to be made out in the same or like manner, form, and order, and according to the same or like rules and directions, as directed and prescribed in and by an Act, 48 Geo. 3. c. 1.

iii. That all and every the clauses, provisions, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited Act shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act.

iv. The Exchequer bills to be made out in pursuance of this Act to bear an interest not exceeding the rate of 3*½*d. per centum per diem.

v. That the Commissioners of the Treasury, or any three or more of them, shall cause such Exchequer bills as shall be so made out, to be placed as so much cash in the respective offices of the Tellers of the Exchequer.

vi. That the said Exchequer bills in the hands of the said Tellers shall be locked up and secured as cash, and may by the said Commissioners of the Treasury be issued and applied from time to time to such services as shall then have been voted by the Commons of the United Kingdom in this present session.

vii. That the principal sum or sums of money to be contained in all such Exchequer bills to be made forth by virtue of this Act, together with the interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing produce of the Consolidated Fund in the next succeeding quarter to that in which the said Exchequer bills have been issued; and it shall be lawful for the Commissioners of the Treasury for the time being, or any three or more of them, and they are hereby authorized, from time to time, by warrant under their hands, to direct the Auditor of the Receipt of the Exchequer at Westminster, in such manner as they shall think necessary, to issue unto such person or persons as shall be named in the said warrant, out of the growing produce of the said Consolidated Fund of the next succeeding quarter to that in which the said Exchequer Bills have been issued, any sum or sums not exceeding in the whole a sum sufficient to discharge and pay off the principal sum or sums contained in such Exchequer bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such interest as may be due thereupon.

viii. That it shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the receipt of the Exchequer at Westminster, upon the credit of the sum granted by this Act out of the Consolidated Fund, any sum or sums not exceeding in the whole the sum of 7,000,000*l.*; anything in an Act, 5 & 6 W. & M. c. 29, or any other Act or Acts, to the contrary notwithstanding.

CAP. XIII.

AN ACT to repeal so much of an Act of the last Session of Parliament, for the Prevention of Smuggling, as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Naval Service, and to alter and amend the said Act.

(22nd May 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Power of ordering certain offenders to be sent into the naval service for five years, and of imposing certain penalties, repealed.*
2. *Persons found on board vessels within prohibited distances, and having prohibited lading;—or assembled to the number of three or more to run spirits, tea, tobacco, or silk;—or procuring others to assemble to run goods; or obstructing officers in the execution of their duty;—to be sent to house of correction to hard labour, for not less than six months for the first offence, nine for second, and twelve for third.*
3. *Justices of limited jurisdictions not having houses of correction, to commit to some neighbouring house of correction.*
4. *Justices may order imprisonment in lieu of penalty; for first offences for six or nine months, and for a second offence six or twelve months, with hard labour.*
5. *Justices may commute the sentence of hard labour for imprisonment where the offender is a female or is incapable of hard labour from age or sickness.*
6. *Where a person is liable to be committed to hard labour, and it appears that he has before been convicted of a similar offence, the Justices may extend the period of imprisonment.*
7. *As to the amended warrant.*
8. *Limitation of power to mitigate penalties.*
9. *The Treasury or Commissioners of Customs may release persons committed under this Act.*
10. *As to the form of informations and convictions.*
11. *None of His Majesty's subjects to hoist in their vessels the Union Jack or any pendants, &c. usually worn in His Majesty's ships and prohibited to be worn by proclamation of 1st January 1801, under a penalty of 500l.*
12. *Act may be altered.*

By this Act,

After noticing an Act, 3 & 4 Will. 4. c. 53, intituled, 'An Act for the Prevention of Smuggling:' and that it is expedient to repeal so much of the said Act as authorizes and requires Justices of the Peace to order persons convicted of certain offences therein mentioned to be carried and conveyed on board any of His Majesty's ships, in order to serve His Majesty in his naval service for the term of five years; and to substitute other provisions in lieu thereof: And that it is also expedient to amend certain other parts of the said Act:—

It is Enacted,

I. That from and after the passing of this Act so much of the said Act as authorizes and requires Justices of the Peace to order persons convicted of certain offences therein mentioned to be carried or conveyed on board any of His Majesty's ships, in order to serve His Majesty in his naval service for the term of five years, and so much of the said Act as imposes certain pecuniary penalties for any of the offences hereinafter next mentioned, shall be and the same is hereby repealed.

II. That every person, being a subject of His Majesty, who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under the said or any other Act relating to the Customs for being found or discovered to have been within any of the distances in the said Act mentioned from the United Kingdom or from the Isle of Man, having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner, such goods or things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been within any such distances as aforesaid on board any vessel or boat from which any part of the cargo or lading of such vessel or boat shall have been thrown overboard, or staved or destroyed, to prevent seizure; and every person, not being a subject of His Majesty, who shall be found or discovered to have been on board any vessel or boat liable to forfeiture for any of the causes aforesaid, within one league of the United Kingdom or the Isle of Man; and that all persons who are assembled to the number of three or more for the purpose of unshipping, carrying, conveying, or concealing any spirits or tobacco, or any tea or silk, (such tea or silk being of the value of 20l. or more,) liable to forfeiture under any Act relating to the Customs or Excise; and that every person who shall by any means procure or hire, or shall depute or authorize any other to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping or carrying or conveying any goods which are prohibited to be imported, or the duties for which have not been paid or secured; and that every person who shall obstruct any officer or officers of the Army, Navy, or Marines, being duly employed for the prevention of smuggling, and on full pay, or any officer or officers of Customs or Excise, or any person acting in his or their aid or assistance, or duly employed for the prevention of smuggling, in the execution of his or their duty, or in the due seizing of any goods liable to forfeiture by the said Act or any other Act relating to the Customs, or who shall rescue or cause to be rescued any goods which have been duly seized, or who shall attempt or endeavour to do so, or shall before or at or after any seizure stave, break, or otherwise destroy any goods to prevent the seizure thereof or the securing the same; shall, upon being duly convicted of any of the said offences before any two Justices of the Peace, be adjudged by such Justices for the first offence to be imprisoned in any house of correction, and there kept to hard labour for any term not less than six nor greater than nine calendar months;

and for the second offence, for any term not less than nine nor greater than twelve calendar months; and for the third offence, or any subsequent offence, for twelve calendar months.

III. That where any person shall have been convicted of any offence against this or any other Act relating to the Customs, for which offence such person shall be liable to be committed to hard labour, and such conviction shall take place before any Justices of the Peace for any city, borough, liberty, division, franchise, or town corporate not having any house of correction situate within the same, it shall be lawful for such Justices and they are hereby required, by warrant under their hands and seals, to commit such offender to any house of correction near to the place where such offender is convicted, there to be kept to hard labour for such time as is hereinbefore provided for a first, second, and third offence respectively; and the governor or keeper of such house of correction is hereby required to receive such offenders, and to obey the said warrant in all respects.

IV. That where any person shall have been convicted before any two Justices of the Peace of any offence not, being one of those hereinbefore mentioned, and for which any penalty shall have been inflicted by the said Act or any other Act relating to the Customs, it shall and may be lawful for the said Justices, if they shall think fit, to order and adjudge that such person shall, in default of paying the said penalty, be imprisoned for the first of such offences in any of His Majesty's gaols within their jurisdiction for a period of not less than six or more than nine calendar months, and if such party shall have been before convicted of any offence against this or any other Act relating to the Customs, to be imprisoned in any house of correction, and there kept to hard labour, for any period not less than six or more than twelve calendar months.

V. That where any person shall have been convicted of any offence against the said Act or any Act relating to the Customs, for which such person would be liable to be committed to hard labour, it shall and may be lawful for the Justices before whom such person is so convicted, provided such person is a female, or provided it appears to such Justices that such person is from age or sickness incapable of hard labour, to order and adjudge that such person shall, in lieu of being committed to hard labour, be imprisoned in any of His Majesty's gaols within their jurisdiction for the length of time to which such person would have been liable to be kept to hard labour: Provided always, that in all such cases the cause of mitigation shall be stated in the warrant of commitment.

VI. That where any person shall have been convicted before any two Justices of the Peace of any offence against this or any other Act relating to the Customs, for which such person is liable to be committed to hard labour, and it shall, at any time during such imprisonment, be made appear to the said or any other two Justices in the presence of such person that such person had been before convicted of any such offence, it shall be lawful for such Justices and they are hereby required to commit such offender to some house of correction, to be kept to hard labour, for any period not less than nine and not greater than twelve calendar months in the whole from the date of the first commitment, and to amend the warrant of commitment accordingly.

VII. That it shall not be necessary in such amended warrant of commitment to state or refer to the former conviction.

And after noticing that by the said Act power is given to Justices of the Peace to mitigate penalties in certain cases:—

It is further Enacted,

VIII. That such power shall be exercised by such Justice only where the offender is convicted of a first offence against the said Act or any other Act relating to the Customs, and not where such offender is convicted of a second or other subsequent offence of that description.

IX. That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any three or more of them, for the time being, or for the Commissioners of His Majesty Customs, by any order made for that purpose under their hands, to release from confinement any person or persons committed under this Act, on such terms and conditions as to them respectively shall appear to be proper.

X. That all informations before Justices of the Peace for any offences committed against this Act, and all convictions for such offences, and warrants of Justices of the Peace founded upon such convictions, shall be drawn respectively in the form or to the effect in the Schedule to this Act annexed.

And after noticing that His late Majesty King George the Third, by His Royal Proclamation bearing date the 1st of January 1691, was pleased, with the advice of his Privy Council, to order and appoint what ensign or colours should be borne at sea by merchant ships or vessels belonging to any of His Majesty's subjects of the United Kingdom of Great Britain and Ireland, and of the dominions thereunto belonging, thereby charging and commanding all His Majesty's subjects whatsoever that they should not presume to wear in any of their ships or vessels His Majesty's Jack, commonly called the Union Jack, nor any pendants, nor any such colours as are usually worn by His Majesty's ships, without particular warrant for their so doing from His Majesty, or his High Admiral of Great Britain, or the Commissioners for executing the office of Lord High Admiral, for the time being; and also commanding His Majesty's subjects that without such warrant as aforesaid they should not presume to wear on board their ships or vessels any flags, jacks, pendants, or colours made in imitation of or resembling those of His Majesty, or any kind of pendant whatsoever, or any other ensign than the ensign described in the margin of the said proclamation: And after noticing that by an Act, 3 & 4 Will. 4. c. 53, intituled, 'An Act for the Prevention of Smuggling,' a penalty of 50*l.* is imposed on every person who shall wear, carry, or hoist in or on board any vessel or boat whatever belonging to any of His Majesty's subjects, without particular warrant for that purpose, His Majesty's Jack, or any pendant, ensign, or colours as therein mentioned: And that it is expedient that all doubts that may have been entertained as to the law on this subject should be removed, and that farther provision should be made for carrying the said proclamation into effect:—

It is therefore Enacted and Declared,

II. That from and after the passing of this Act it shall not be lawful for any of His Majesty's subjects whomsoever to hoist, carry, or wear in or on board any ship, vessel, or fishing boat, or any other vessel or boat whatever, whether merchant or otherwise, belonging to any of His Majesty's subjects, His Majesty's Jack commonly called the Union Jack, or any pendant,

or any such colours as are usually worn by His Majesty's ships, or any flag, jack, pendant, or colours whatever made in imitation of or resembling those of His Majesty, or any kind of pendant whatsoever, or any ensign or colours whatever other than those prescribed by the said proclamation; and that if any person or persons shall nevertheless presume to hoist, carry, or wear in or on board any ship or vessel, fishing boat, or other vessel or boat whatever, belonging to any of His Majesty's subjects, whether the same be merchant or otherwise, His Majesty's Jack commonly called the Union Jack, or any pendant or colours such as are commonly worn by His Majesty's ships, or any jack, flag, pendant, or colours whatever made in imitation of or resembling those of His Majesty, or any kind of pendant whatever, without such warrant as aforesaid, or any other ensign or colours than the ensign or colours prescribed by the said proclamation to be worn, then and in every such case the master or other person having charge of such ship, vessel, or boat, or the owner or owners thereof being on board the same, and every other person so offending, shall for every such offence forfeit and pay a sum not exceeding 500*l.*, to be recovered, with costs of suit, either in the High Court of Admiralty of England, or in any Vice Admiralty Court in His Majesty's colonies, or in any of His Majesty's Courts of King's Bench or Exchequer at Westminster or Dublin, at the suit of His Majesty's Attorney General, or in the Courts of Session or Exchequer in Scotland respectively; and that it shall be lawful for any officer of His Majesty's Navy or Marines belonging to any of His Majesty's ships, or any officer of the Customs or Excise, to enter on board any ship, vessel, or boat so hoisting, wearing, or carrying any jack, flag, ensign, pendant, or colours prohibited by the said proclamation and by this Act to be hoisted, worn, or carried, and to seize and take away the same, and the same shall thereupon become forfeited.

XII. That this Act may be altered, amended, or repealed by any Act or Acts in the present Session.

SCHEDULE to which this Act refers.

Form of Information.

County of } BE it remembered, That on the Day of in the Year of our Lord
to wit. } One thousand eight hundred and A. B., Officer of Customs, gives us
and } Two of His Majesty's Justices of the Peace in and for to understand and be informed,
that C. D., on the Day of in the Year of our Lord One thousand eight hundred and
and provided. [here state the Offence, as in the Act of Parliament,] contrary to the Form of the Statute in that Case made

Form of Conviction.

County of } BE it remembered, That on the Day of in the Year of our Lord One
to wit. } thousand eight hundred and an Information was exhibited by A. B., Officer of Customs,
before us and Two of His Majesty's Justices of the Peace in and for
against C. D., which said Information charged that the said C. D., on the Day of in the
Year of our Lord One thousand eight hundred and [here state the Offence, as in the Information,] contrary
to the Form of the Statute; which Offence ["has been duly proved before us the said Justices," or "the Party has confessed
himself to be guilty of," as the Case may be]: We do therefore convict the said C. D. of the said Offence, and do adjudge that
the said C. D. [here insert the Adjudication of the Justices.]

Given under our Hands and Seals the

Day of .

Form of Warrant of Commitment.

County of } To A. B., Officer of Customs, and to E. F., the Gaoler or Keeper of the at
to wit. } in the
WHEREAS C. D. has been duly convicted before us and Two of His Majesty's Justices
of the Peace in and for of having [state the Offence, as in the Information]: And whereas we the said
Justices did adjudge that the said C. D. should for his said Offence
These are therefore to require you the said A. B. forthwith to take, carry, and convey the said C. D. to the
at in the and deliver him into the Custody of the Gaoler or Keeper of the said
: And we the said Justices do hereby authorize and require you the said E. F., the Gaoler or Keeper
of the said to receive and take the said C. D. into your Custody, and to [insert the Punishment, according
to the Conviction].

Given under our Hands and Seals at

the

Day of .

CAP. XIV.

AN ACT to repeal so much of several Acts as authorizes the issuing any Sums of Money out of the Consolidated Fund for the Encouragement of the raising or dressing Hemp or Flax.

(22nd May 1834.)

By this Act,

After noticing that various sums had been from time to time issued under the provision of several Acts passed in the tenth, twenty-first, and twenty-sixth years respectively of the reign of His late Majesty King George the Third, for the encouragement of raising and dressing hemp and flax: And that by an Act, 27 Geo. 3. c. 13, it was enacted, that the sum of 6,335*l*. 15*s*. should at the end of each year be set apart in the receipt of His Majesty's Exchequer, out of the duties of Customs imposed by the said Act, as a fund for the encouragement of raising and dressing hemp and flax, to be applied to such uses and purposes and in such way and manner as was directed and provided by the before-mentioned Acts of the tenth, twenty-first, and twenty-sixth years respectively: And that it was expedient that no further sum or sums should be set apart or applied for such purpose in future:—

It is Enacted,

That from and after the passing of this Act so much of the said recited Act of 27 Geo. 3. c. 13, as is hereinbefore recited, and so much of any other Act or Acts as authorizes or directs any such payment to be made, shall be and the same are hereby repealed.

CAP. XV.

AN ACT to regulate the Office of the Receipt of His Majesty's Exchequer at *Westminster*.

(22nd May 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Offices of Auditor, Tellers, Clerk of the Pells, and the offices subordinate thereto, abolished.—New establishment.*
2. *Appointment of Comptroller.—Assistant may act in certain cases.*
3. *Comptroller incapable of holding any other office.*
4. *Powers of Auditor or Clerk of Pells transferred to Comptroller.*
5. *Offices to be performed in person, &c.*
6. *Treasury to establish forms of books, accounts, warrants, instruments, &c.*
7. *Records, &c. relating to the Exchequer to be delivered over to the Comptroller.*
8. *Tellers to pay over to the Bank all monies, &c. in their hands.*
9. *All public monies hitherto payable into the Exchequer to be paid into the Bank.*
10. *Monies paid to the account of the Exchequer to form one fund in the Bank books.*
11. *Royal order for issuing money to the different departments of the public service.*
12. *Treasury warrant.—Exchequer warrant.*
13. *Warrants for the issues of monies charged on the Consolidated Fund, &c. may be made without royal order.*
14. *Credits not to be accompanied by actual transfers.*
15. *Treasury to appoint officers for paying salaries, &c.*
16. *Books of Comptroller and Paymaster to be deemed of record.*
17. *Paymaster's account.*
18. *Treasury to transmit to the Bank a list of public officers required to keep accounts there.—On death of any public officer, his account with Exchequer and Bank to vest in his successor in office.*
19. *Fractional parts of a penny excluded from accounts.*
20. *Bank to transmit statements of credits and payments.*
21. *Bills of exchange, &c. not to be payable at the Bank after three o'clock.*
22. *Treasury may establish rules for keeping accounts of public departments.*
23. *Quarterly statements to be made by Comptroller to the Commissioners of Audit, and annual statements to Parliament.*
24. *Surplus revenue to be ascertained by receipts and credits at the Bank.*
25. *Fees on issues for the public service abolished.*
26. *As to the preparation of Exchequer bills.*
27. *Return of regulations to be made to Parliament.*
28. *Punishing persons guilty of forgery.*
29. *Compensation to two of the Tellers and to the Clerk of the Pells.*
30. *Compensation to Marquis Camden.*
31. *Treasury may grant compensation to the other officers.*
32. *As to officers who shall be continued in employment on the establishment.*
33. *Compensations, salary, &c. charged on the Consolidated Fund.*

34. *Powers hereby given to the Treasury may be executed by any three Commissioners.*

35. *Deeds, powers of attorney, &c. not to be affected.*

36. *Commencement of Act.—Repeal of 8 & 9 Will. 3. c. 28, 6 Geo. 2. c. 6, Part of 23 Geo. 3. c. 82, Part of 39 & 40 Geo. 3. c. 54, 46 Geo. 3. c. 1, Part of 1 & 2 Geo. 4. c. 121.*

37. *Act may be altered this Session.*

By this Act,

After noticing that by an Act, 57 Geo. 3. c. 84, it was declared, that the offices of Auditor and Tellers of His Majesty's Exchequer in England and Ireland respectively, and of Clerks of the Pells in England and Ireland respectively, were offices with respect to which it was expedient that a more economical execution of the duties thereof respectively, after the termination of the then existing interests therein, should be adopted; and that it was thereby enacted, that from time to time thereafter as such respective offices should become vacant it should be lawful for the Lord High Treasurer, or the Commissioners of the Treasury, for the time being, and they were thereby required, to regulate the duties and establishments of the offices so becoming vacant, so that the said duties should be performed in person by such fit and proper persons as the said Commissioners should deem sufficient and necessary, with such salaries or emoluments as should be ordered and appointed by the said Commissioners in that behalf, the said Commissioners laying before Parliament an account of the new establishment of the respective offices so regulated, and all the regulations above mentioned, with a statement of the number of officers and amount of salaries of each respectively, together with a statement of the former establishment of the respective offices so regulated: And that, under the powers vested in the Commissioners by the said Act, the offices of Auditor of the Exchequer and Clerk of the Pells in Ireland have been abolished, and certain other arrangements have been made in the offices of Teller of the Exchequer in Ireland and Clerk of the Pells in England: And that His Majesty was pleased by his royal sign manual warrant, bearing date the 21st of June 1830, to appoint certain Commissioners to inquire into the charges of managing and collecting the public revenue, and into the manner in which the public monies were received into, kept in, and issued from the receipt of the Exchequer, and also by sign manual, dated the 8th of July 1831, to appoint certain other Commissioners to inquire and examine into the practice of the Exchequer with respect to the receipt and payment of the public money, and the mode of keeping the accounts thereof: And that by a report of the said last-mentioned Commissioners made thereupon to the Commissioners of the Treasury, bearing date the 8th of October following, various arrangements, alterations, and improvements in the constitution of the Court of the Receipt of the Exchequer, and in the practice and mode of keeping the accounts thereof, have been proposed to be adopted: And that it is expedient to carry into effect certain of the regulations proposed in the said report, and to that end to remodel the constitution of the Exchequer at Westminster, and to effect the improvements intended, notwithstanding the existing interests in the several offices of the Exchequer which have not as yet been determined:—

It is Enacted,

I. That from and after the commencement of this Act, as hereinafter mentioned, the several offices following in the Exchequer at Westminster (that is to say,) the offices of Auditor, and of each of the four Tellers of the Exchequer, and of the Clerk of the Pells, and the several offices subordinate thereto, be and the same are hereby abolished, and to that end that the several patents, warrants, and authorities under which the same have been and are respectively held shall cease, determine, and become absolutely null and void; and that in lieu of the said several offices the constitution and establishment of the Exchequer shall consist of the following officers; (that is to say,) a Comptroller General to be designated Comptroller General of the Receipt and Issue of His Majesty's Exchequer, with an annual salary of 2,000*l*; an Assistant Comptroller, a Chief Clerk, and such number of clerks and assistants, with such salaries, as shall be established and regulated from time to time by the Commissioners of the Treasury.

II. That the office of the said Comptroller shall be granted by letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to continue in force during good behaviour, subject however, to his removal therefrom by His Majesty, his heirs and successors, on the address of the two Houses of Parliament; subject also to the abolition or regulation of his office at any future time by the authority of Parliament; and that the duties, powers, and authorities by this Act imposed on or vested in the Comptroller shall and may, in the event of the illness or of the occasional and necessary absence of the said Comptroller from his office, be executed by such assistant.

III. Provided always, That the said Comptroller shall not be capable of holding his office at the same time or together with any other office to be held during pleasure under the Crown, or under any officer appointed by the Crown.

IV. That all the powers and authorities now vested in the Auditor of the Exchequer or Clerk of the Pells, either by law or usage, shall, from and after the commencement of this Act, be transferred to and vested in the said Comptroller, subject to the provisions of this Act, except only so far as any of such powers or authorities are or shall be by this Act controlled, diminished, or varied.

V. That the said Comptroller, Assistant Comptroller, chief and other clerks shall execute the duties of their respective offices in person; and that the office of the Exchequer shall be kept open for public business, and attendance shall be given thereat by the said officers and clerks, throughout the year, on all such days and during the usual hours in which the office of the Treasury has been accustomed to or shall be kept open.

VI. That it shall be lawful for the Commissioners of the Treasury for the time being from time to time, by such orders and regulations as they shall see necessary for the safety, economy, and advantage of the public service, to establish and direct what books, accounts, and vouchers shall be kept and used in the said office of Exchequer, and the forms thereof, as well as the forms of all warrants, specifications, instruments, and other documents which for the better carrying into effect the purposes of this Act it shall be necessary to make use of in either of the said offices of the Treasury and Exchequer, or in any other public office whatsoever; and likewise in what manner the applications made to the Treasury for credits for the services of the respective departments of expenditure shall be examined, approved, and recorded; and also in what books and in what manner

the several instruments required or authorized by this Act shall be entered, recorded, and acted upon; and the form of returns to be made by the said Comptroller to the Commissioners of the Treasury, and the periods for making the same.

VII. That on the 11th of October 1834 all books, records, deeds, papers, documents, and vouchers whatsoever relating to the office of the Receipt of the Exchequer, and all the standard weights and measures, and standard pieces of gold, silver, and copper, and all other articles of public property, (except monies and securities for money, and such documents as are by this Act directed to be delivered over to the Commissioners of the Treasury,) which shall then be in the custody, power, or control of the Auditor, Tellers, or Clerk of the Pells of the Exchequer at Westminster, or of any of their officers or clerks, shall be delivered into the custody of the said Comptroller, who shall thereupon take charge of the same, and by whom, or whose assistant, and by the officers subordinate to him, all such acts, matters, and things relating to the said standard weights and measures, and standard pieces of gold, silver, and copper, as have heretofore been or ought to be performed by any of the officers of the Exchequer, shall from thenceforth be performed and executed.

VIII. That on the said 11th of October, and between the hours of ten in the forenoon and four in the afternoon, all monies, whether out cash or otherwise, and all bills, notes, and securities for money, belonging to the Crown, in the chests or in the keeping or at the disposal of the Tellers of the Exchequer, or of any of the officers under them, or with which they or any of them shall be charged or chargeable, shall be paid into the Bank of England to the credit of the Exchequer, and that an account shall be thereupon opened by the Governor and Company of the said Bank, to be called "The Account of His Majesty's Exchequer"; and that each of the said Tellers and other officers of the Exchequer who shall make any such payment into the said Bank shall at the same time deliver a specification or statement in writing in duplicate, signed by himself with his own name, distinguishing the particulars of such payment and shewing the total amount thereof, to the cashier of the Bank or other officer to be appointed in that behalf, who shall enter the same in a book to be kept for that purpose, and sign a memorandum thereon of such entry having been so made, and shall transmit one of such duplicates to the Comptroller of the Exchequer, and also a certified copy thereof to the Commissioners of the Treasury; and the other of such duplicates, vouched and signed by the said cashier or other officer as aforesaid, shall be returned by him to the person making the payment, who shall deposit the same with the said Comptroller of the Exchequer, by whom an acquittance shall be made out, signed, and delivered to the party making the payment, which shall be to such party a legal and sufficient discharge with the auditors of the public accounts and all other persons whomsoever: Provided always, that the party making the payment shall at the same time transmit to the Comptroller and also to the Commissioners of the Treasury a statement of the particulars of such payments, shewing the sources from which the money so paid shall have been derived, and the services to which the same were applicable; and provided also, that such monies, whether out cash or otherwise, so to be paid over by the said Tellers, shall remain chargeable and appropriated to the services to which any such monies are now specifically applicable; and that it shall be lawful for the Commissioners of the Treasury to give authority to the Comptroller of the Exchequer to apply the same accordingly.

IX. That upon and from and after the said 11th of October all public monies which previous to the commencement of this Act shall have been payable into the Exchequer at Westminster shall be paid into the Bank of England to the credit of the Exchequer; and that the party paying in any such money, or on whose account the same shall be paid, shall in like manner therewith deliver a specification or statement of the particulars thereof in writing in duplicate under his hand, to be previously countersigned by the Comptroller or his assistant, to the cashier or officer of the Bank receiving the payment, to be by him entered in manner already provided; and one of the said duplicates, having been vouched and signed by the said cashier or officer as aforesaid, shall be returned to the party making the payment, in order to his thereupon obtaining from the Comptroller an acquittance in the manner hereinbefore directed with respect to payments made by the Tellers; and at the close of each day on which any payment shall be made into the Bank on account of the Exchequer there shall be transmitted from thence by the cashier or other officer of that establishment the other of the said duplicate specifications (with the entry thereof marked on each) to the said Comptroller, together with a statement of the particulars of all sums paid into the Bank on that day; and a copy of such statement, certified by the cashier or other proper officer, shall at the same time be transmitted from the Bank to the Commissioners of the Treasury.

X. That all monies paid into the Bank of England on account of the Exchequer shall be treated by the Governor and Company of the said Bank as forming one fund in their books; and that all warrants or orders to be made by the Comptroller of the Exchequer for credits to the various officers to whom money is to be issued for the public service shall be satisfied out of such general fund: Provided always, that in the accounts to be kept by the Comptroller of the Exchequer and by the Commissioners of the Treasury, the receipts, credits, and issues shall be placed to the several and respective accounts to which they shall severally and respectively belong, according to the enactments of the Act or Acts under the authority of which the monies are received and the credits and issues directed; and provided also, that, in directing the transfer of any credits from the general account of the Exchequer at the Bank of England, all the provisions of the several statutes now in force whereby the appropriation of the Consolidated Fund is authorized and directed shall be strictly observed and followed.

XI. That from and after the commencement of this Act, whenever any sum or sums shall have been granted to His Majesty by any Act of Parliament or vote of the House of Commons for any specified branch of the public service, and ways and means shall likewise have been granted for satisfying and making good the same, it shall be lawful for His Majesty, by his royal order under the royal sign manual, to be countersigned by the Commissioners of the Treasury, to authorize and require the said Comptroller to place at the Bank of England, to the credit of the public accountant to the Crown in the respective branch of service, the amount of the sum so granted or voted, at such times and in such proportions as the said Commissioners shall from time to time direct, to be applied by such officer to such service; and that such royal order shall contain a reference to the particular Act or vote of Parliament, and shall, after having been recorded and entered by the Commissioners of the Treasury in their books, be transmitted to the said Comptroller to be entered on record, and to remain in his office, the said Comptroller having first satisfied himself that the said order has been made in conformity with and has not exceeded the amount of the grant of Parliament.

XII. That it shall be lawful for the Commissioners of the Treasury, by warrant under their hands, from time to time as they shall see expedient and proper, to authorize and require the said Comptroller to transfer from the general fund of the Exchequer at the Bank to the credit of the respective officers whose duty it shall be to make payments on account of the several public departments such sums as shall be requisite for carrying on the respective services; and every such warrant shall recite the substance of the royal order upon which it is founded, referring to the Act or vote therein mentioned, and shall specify the total amount of the monies authorized by such order to be issued, and the credits (if any) which have previously been issued on account thereof, and of the balance still remaining to be issued; and upon the receipt of every such warrant at the office of the said Comptroller the same shall be compared with the royal order, and with the preceding warrants (if any) which shall have been made in pursuance thereof; and the said Comptroller, having satisfied himself that such warrant has been made in conformity with and has not exceeded in amount the royal order, shall from time to time, (in pursuance of directions to that effect from the Commissioners of the Treasury,) by a warrant under his hand, authorize the Governor and Company of the Bank of England to grant credits on account of the sum or sums therein mentioned to the person or persons therein described, which warrant shall be forwarded to the said Governor and Company, who, on the receipt thereof, shall grant the credit thereby required.

XIII. That in all cases of grants by Parliament, charged on the Consolidated Fund of the United Kingdom, or upon any public monies specially appropriated by any Act or Acts of Parliament to or for any particular objects or services, and in all cases where by any Act or Acts or any other lawful authority the Auditor of the Exchequer is now required to make and pass debentures for the payment of any such charge or charges, it shall be lawful for the said Commissioners of the Treasury and they are hereby required, by warrant under their hands, without any such royal order as aforesaid, from time to time to authorize and require the said Comptroller to accredit the several persons whose duty it may be to pay such charges with the sums requisite for that purpose; and every such last-mentioned warrant shall contain a reference to the Act or Acts of Parliament by which such sums shall be charged on the said fund or on such other public monies so specifically appropriated; and the said Comptroller, on the receipt of the said warrant, having first satisfied himself that the payments therein directed are duly authorized by law, shall from time to time, in pursuance of directions to that effect from the Commissioners of the Treasury, by warrant in writing authorize and direct the Governor and Company of the Bank of England to grant credits on account of the sum or sums mentioned in the Treasury warrant to the officer or person whose duty it shall be to make the payment; and the said Governor and Company, on the receipt of such warrant of the Comptroller, shall grant the credit thereby directed.

XIV. That in cases in which any credit shall be granted to any person by the said Governor and Company, in pursuance of this Act, no sum shall be transferred from the account of the Exchequer until the same shall be actually paid by the Bank to or on account of the person to whom such credit shall be granted: Provided always, that nothing in this Act contained shall be construed to alter or affect the regulations now in force by virtue of any Act or Acts relating to the payment of the dividends on account of the public debt.

And after noticing the expediency of providing for the payment of salaries, allowances, and other charges hitherto payable in detail at the Exchequer:—

It is Enacted,

XV. That from and after the commencement of this Act all salaries, allowances, incidents, and other charges now payable in detail at the Exchequer, under the authority of Parliament, or under royal sign manual, or under the authority of the Commissioners of the Treasury duly authorized by law to order such payments, shall be paid by a paymaster or officer to be for that purpose appointed by the Commissioners of the Treasury, with such number of clerks and assistants as the said Commissioners shall deem requisite for carrying on and fully executing the several duties connected with or incident to such payments, which duties shall be performed by the said paymaster and his assistants under such regulations as the said Commissioners shall from time to time establish; and that so soon as such appointment shall have taken place all papers and documents relating to such payments and duties which shall appear to the Commissioners of the Treasury to be necessary for the proper discharge of the duties of the said paymaster, and which shall then be in the custody or power of any of the officers of the Exchequer, shall be by them delivered over to and remain in the custody of the said Commissioners of the Treasury.

XVI. That the several books to be kept in the office of the Comptroller General of the Exchequer, and in the office of the paymaster to be appointed under the authority of this Act, shall be deemed books of record, and shall be received as such, in all courts of law and equity and elsewhere, in evidence of the entries therein respectively contained, and of the debts thereby respectively charged against the several and respective accountants to the Crown.

XVII. That the said paymaster's account shall be kept at the Bank of England, and be deemed for all purposes a public account.

XVIII. That the Commissioners of the Treasury shall, previously to the period fixed for the commencement of this Act, and from time to time afterwards as they may think proper, transmit to the Bank of England and to the Comptroller of the Exchequer a list of the several public officers or individuals who are required to keep public accounts at the Bank of England; and that upon the death, resignation, or removal of any such public officers or individuals, the balance of their credits on the Exchequer Funds, and also the balance of cash on their public accounts, in the books of the Bank, shall, upon the appointment of their successors, unless otherwise provided for by law, vest in and be transferred to the account of such successors, and shall not in the case of the death of any such individual constitute assets of the deceased, or be in any manner subject to the control of his personal representative.

XIX. That in all payments to be made and accounts to be kept under this Act the fractional parts of 1d. shall be excluded therefrom.

XX. That the Governor and Company of the Bank of England shall and they are hereby required to transmit from day to day to the said Comptroller an account of the several payments actually made by them in the course of the preceding day on

account of the credits granted by him ; and the said Governor and Company shall likewise weekly transmit to the Commissioners of the Treasury a statement specifying the sums of money paid within the preceding week to the drafts or orders of the several public accountants to whom credits shall have been granted by the said Governor and Company in pursuance of the warrants of the said Comptroller, distinguishing the payments on each account, and also a statement of the balance of money remaining in the Bank at the close of each such week on account of the Exchequer ; all which several statements shall be authenticated by the signature of one of the cashiers or other officer of the Bank to be appointed for that purpose.

XXI. That no bill of exchange drawn on any public officer or department for the public service, and accepted payable at the Bank of England, nor any cheque, draft, or order for the payment of money drawn by any person or accountant authorized to draw for the public service, shall from and after the commencement of this Act be payable at the Bank of England at any time after three of the clock in any day.

And after noticing that by reason of the alterations by this Act directed to be made in the proceedings and practice of the Exchequer with respect to the receipt and issue of the public monies, it will be necessary that new regulations should be prescribed for the government of the several Receivers General and other collectors of the revenue in their transactions with the Bank of England :—

It is Enacted,

XXII. That it shall be lawful for the Commissioners of the Treasury from time to time to establish rules and regulations for keeping the accounts of the several respective departments of the revenue with the Bank of England, and for the payment of the public monies collected by such departments to the account of the Exchequer ; which several rules and regulations shall be certified by the Commissioners of the Treasury to the Governor and Company of the Bank of England and to the several and respective departments of the revenue, and shall be of full force and authority, and shall be observed by all bodies and persons whatsoever in relation to all matters and things therein contained ; anything in any Act or Acts to the contrary notwithstanding.

XXIII. That from and after the commencement of this Act the Comptroller of the Exchequer shall, within one week next after the termination of each quarter in every year, transmit to the Commissioners for auditing the public accounts a statement of all payments made to the Bank on account of the Exchequer, and of all the credits for which warrants shall have been granted by him upon the Bank, during that quarter, together with a statement of all monies drawn by the said accountants during the course of the quarter, as certified to him by the Governor and Company of the Bank of England ; and the said Comptroller shall also cause to be prepared and laid before each house of Parliament, on the 20th of April in every year, if Parliament shall be then sitting, and if not, then within seven days after the next meeting of Parliament, an account under his hand for such preceding year, ending on the 5th of April, shewing the amount of all monies received during that period to the account of the Exchequer, and distinguishing the same under the several and respective heads of public revenue, and shewing also the amount of all royal orders and Treasury warrants received by him, and the issues made from the Bank on credits given pursuant thereto, under the respective heads aforesaid, and stating the balance of monies remaining at the Bank to the account of the Exchequer at the close of each such year, which said account shall be accompanied by a certificate, under the hand of the principal cashier of the Bank of England, which such cashier is hereby required to give, of the sum which actually remained on the books of the Bank to the credit of the Exchequer on the said 5th of April.

XXIV. That the annual account made up on each quarter day, which, by an Act passed 10 Geo. 4, the Commissioners of the Treasury are required to cause to be prepared, of the actual receipt and expenditure of the United Kingdom, according to the actual receipt and issue of monies at the Exchequer, shall, from and after the commencement of this Act, so far as relates to Great Britain, be made out according to the actual receipt of money at the Bank, on the account of the Exchequer and of credits granted thereout by the warrants of the Comptroller ; and the surplus directed by the said Act to be issued and applied towards the reduction of the national debt, being thereby ascertained, shall be issued and applied accordingly in the manner directed by the said Act.

And after noticing that the practice which has heretofore prevailed of taking or deducting monies, in the nature of fees, upon the issue of public monies to the several departments, has been found to be attended with expense and inconvenience :—

It is Enacted,

XXV. That from and after the commencement of this Act the fees heretofore charged and taken at the Exchequer upon the issues of money to and receipts of money from the several departments of or accountants to the Crown for the public service shall cease and be no longer payable ; and that in all cases in which any payments made to individuals at the Exchequer have been heretofore chargeable with fees or deductions it shall be lawful for the Commissioners of the Treasury and they are hereby required, from and after the commencement of this Act, to reduce all such payments to the several and respective net amounts heretofore received from the Exchequer by the several and respective parties.

XXVI. That from and after the commencement of this Act all Exchequer bills to be thereafter made out under the authority of any Act of Parliament shall be prepared, made out, and numbered in the office of the said Comptroller at such times and in such form as the Commissioners of the Treasury shall from time to time direct ; and that the several regulations in relation to the making out, issuing, and paying off Exchequer bills which are established by an Act, 48 Geo. 3. c. 1, or by any other Act or Acts with respect to the issue and application of Exchequer bills under the authority of such Acts, shall continue in force, except in so far as the same shall be altered by any of the provisions of this Act, and that all such bills shall be signed by the said Comptroller, or in his name by his assistant, and shall be issued and applied to the public service at such times and in such manner as shall be directed by the Commissioners of the Treasury, or in such manner and upon such authorities as shall have been specially directed with respect thereto by any Act or Acts now in force, the said Comptroller taking care that such bills are made and issued according to law.

XXVII. That a return, setting forth all orders and regulations, and describing all books and forms of accounts and vouchers, which shall have been ordered and prescribed by the Commissioners of the Treasury, shall be laid before Parliament on or

before the 5th of April 1835, if Parliament be then sitting, and if not then sitting, within six weeks from the day of the next ensuing meeting of Parliament.

xxviii. That if any person shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly and willingly act, aid, or assist in forging, counterfeiting, or altering, any warrant, order for payment, or other document whatsoever by this Act directed or authorized to be issued or made, or shall utter or publish as true, or knowingly or willingly act, aid, or assist in uttering or publishing as true, knowing the same to be forged, counterfeited, or altered, any such warrant, order for payment, or other document whatsoever, with intent to defraud His Majesty, the Governor and Company of the Bank of England, or any other person or persons, any person so offending shall be deemed guilty of felony, and shall upon conviction be transported beyond the seas for the term of his natural life.

And after noticing that it is just and reasonable that full compensation should be made to the several officers of the Exchequer at Westminster who now hold their offices for life or during good behaviour:—

It is Enacted,

xxix. That there shall be paid to Henry Earl Bathurst and to Spencer Perceval Esquire, two of the present Tellers of the Exchequer at Westminster respectively, during their respective lives, by quarterly payments, the amount of the annual salaries to which they are at present respectively entitled by virtue of their respective offices; and that there shall be paid to the Right Honourable Henry Ellis, the present Clerk of the Pells of the Exchequer at Westminster, the tenure of whose office is during good behaviour, the annual sum of 1,400*l.*, being the amount of his present salary, by quarterly payments: Provided always, that a proportionate part of such several sums shall be paid to the executors or administrators of the several and respective parties in the event of the death of any of them during the course of any quarter.

And after noticing that the Most Noble John Jeffries Marquis Camden, one other of the present Tellers of the Exchequer, hath, in pursuance of a proposition made by him, and in consideration of the state of the country, paid in aid of the public revenue towards the exigencies of the state the surplus of the fees, perquisites, and emoluments of his office, after abating thereout the necessary charges and expenses of the establishment thereof, reserving to himself only the annual salary of a Teller authorized by an Act, 23 Geo. 3, for establishing certain regulations in the receipt of His Majesty's Exchequer; which contribution has to the present time amounted to the sum of 244,407*l.* 10*s.* 11*d.*; And that in consideration of the said contribution so made to the public service, and of the voluntary surrender of the profits and emoluments accruing to him by law in right of his office, it is just and proper that the full rights and interests of the said Marquis Camden should not be impaired or altered by anything in this Act contained:—

It is Enacted,

xxx. That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury to direct the payment to the said Marquis Camden, out of the Consolidated Fund, of such amount or sum of money quarterly and every quarter as shall be equal to the amount of the fees on the several quarterly issues made from the Exchequer for the public service, on which, prior to the passing of this Act, such fees would have attached, and become payable to the said Marquis Camden.

xxxi. That it shall be lawful for the Commissioners of the Treasury to grant to the several other persons in the several offices of the present establishment of the Exchequer such annual allowances, by way of compensation for the suppression of their respective offices, as to the said Commissioners shall seem just.

xxxii. That no such compensation shall be paid to the present Clerk of the Pells or to any person holding an office on the present establishment of the Exchequer, save and except the two present Tellers of the Exchequer, who shall be appointed to an office of equal or greater emolument under the Crown; and that such compensation shall be reduced if any such officer, save and except as aforesaid, shall be appointed to an office of smaller emolument than that of the office he previously held, so as that the salary or emolument attached to the office to which he shall be so appointed, together with the compensation granted to him, shall not exceed the salary of the office previously held by him.

xxxiii. That the compensations hereby granted or authorized to be granted, and those which are at present charged on the Fee Fund of the Exchequer, amounting to the annual sum of 8,324*l.*, and the salary and allowance to the said Comptroller, shall be charged on the Consolidated Fund, and that it shall be lawful for the Commissioners of the Treasury from time to time, by their warrant for that purpose, to direct the requisite sums of money to be credited by the said Comptroller to the paymaster or other officer to be appointed for payment of such compensations and salary.

xxxiv. That all powers given to or vested in the Commissioners of the Treasury by this Act may be executed by any three of such Commissioners for the time being; and that all enactments, matters, and things herein contained relating to public monies shall extend and be construed to extend to all bills, drafts, and notes as securities for money received to the use of the public.

xxxv. That nothing in this Act contained or authorized to be done shall extend to destroy or affect the validity of any deeds, powers of attorney, or other instruments which at the commencement of this Act shall be in force with respect to any monies theretofore receivable at the Exchequer under the authority of the same, but that all such deeds, powers of attorney, and other instruments shall continue of like validity with respect to any such payments to be thereafter made by the paymaster to be appointed under the authority of this Act.

xxxvi. That this Act shall commence and take effect on and from the 11th of October 1834; and that from and after the commencement thereof an Act, 8 & 9 Will. 3. c. 28, for the better observation of the course anciently used in the receipt of the Exchequer; also an Act, 6 Geo. 2. c. 6, for obviating a doubt which might arise upon an Act made in the fourth year of His said Majesty's reign, as therein recited; so much of an Act, 23 Geo. 3. c. 82, as relates to the use of an indented cheque receipt to be made out by the Auditor, and as requires the custody of one of the keys to the Tellers' chests, the standard weights

and measures, and the standard pieces of gold and silver, to be committed to the Auditor; so much of an Act, 39 & 40 Geo. 3. c. 54, as requires the Commissioners for auditing the Public Accounts to transmit a certain account to the Auditor of the Exchequer, and requires the Auditor to transmit to the said Commissioners quarterly accounts of monies paid into the Exchequer; an Act, 46 Geo. 3. c. 1, to empower the Auditor of the Exchequer to constitute a trustee for the execution of the said office in the case therein mentioned; so much of an Act, 1 & 2 Geo. 4. c. 121, as requires the transmission of general imprest rolls to the office of His Majesty's Remembrancer, and as relates to imprest certificates; and so much of the provisions of any Act or Acts of Parliament relating to the office of the receipt of His Majesty's Exchequer as are altered by this Act; shall be and the same are hereby repealed.

XXXVII. That this Act may be amended, altered, or repealed in this present session.

CAP. XVI.

AN ACT to abolish the Office of Recorder of the Great Roll or Clerk of the Pipe in the Exchequer in *Scotland*.

(22nd May 1834.)

By this Act,

After noticing that, by an Act, 6 Ann. c. 26, an Act, 2 & 3 Will. 4. c. 103, and an Act, 2 & 3 Will. 4. c. 112, a great part of the business of the office of Recorder of the Great Roll or Clerk of the Pipe in Scotland, has been transferred, together with the auditing the accounts, to offices in England; and that John Archibald Murray Esquire, the present Recorder of the Great Roll or Clerk of the Pipe in Scotland, who has a life interest therein, has signified his desire to surrender his interest in the said office without compensation; and the expediency of the said office being abolished, and other provisions made for the discharge of the duties thereof:—

It is Enacted,

I. That from and after the 1st of January 1835, the office of Recorder of the Great Roll or Clerk of the Pipe in the Exchequer in Scotland shall cease and determine, together with all salary, fees, or other emoluments theretofore receivable in respect thereof.

II. That the powers and authorities now vested by law in the Recorder of the Great Roll or Clerk of the Pipe in Scotland shall, from and after the 5th of January 1835, be transferred and be vested in the Lord Treasurer's Remembrancer of the Exchequer of Scotland for the time being, who is hereby required, from and upon that day, to perform all such duties as are now performed by the Recorder of the Great Roll or Clerk of the Pipe.

III. That all public accounts, records, and other documents now belonging to the record of the great roll shall, on the 6th of January 1835, be delivered over to and placed under the custody of the Lord Treasurer's Remembrancer in Scotland.

CAP. XVII.

AN ACT to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill for preventing Bribery and Corruption and illegal Practices in the Election of Members to serve in Parliament for the Borough of *Warwick*.

(22nd May 1834.)

CAP. XVIII.

AN ACT to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Freemen of *Liverpool* from voting at the Election of Members of Parliament for that Borough.

(22nd May 1834.)

CAP. XIX.

AN ACT to repeal certain Duties on Inhabited Dwelling Houses.

(16th June 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Duties on inhabited houses under 3 & 4 Will. 4. c. 39, repealed from 5th of April 1834.
2. Commissioners of Assessed Taxes to reduce compositions which include the above-mentioned duties.—Reduction to take effect from same date.
3. Qualifications conferred by payment of said duties to remain with the occupiers of houses of the rent or value specified in recited Acts.

By this Act,

After reciting an Act, passed 48 Geo. 3. c. 55, intituled, 'An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof, and certain additional Duties to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes,' by which certain Duties of 1s. 6d., 2s. 3d., and 2s. 10d. in the pound respectively were granted and made payable yearly on all inhabited dwelling houses throughout Great Britain according to the value thereof as specified in Schedule (B.) to the said Act annexed; and an Act, 3 & 4 Will. 4. c. 39, intituled, 'An Act to reduce certain of the Duties on Dwelling Houses, and to repeal other Duties of Assessed Taxes,' by which certain reduced duties were granted and made payable on inhabited dwelling houses, in certain cases in the said last-recited Act specified, in lieu of the duties so as aforesaid granted and made payable by 48 Geo. 3: and stating the expediency of repealing the said duties on inhabited dwelling houses:—

It is Enacted,

I. That from and after the 5th of April 1834 the said duties so as aforesaid granted and made payable on inhabited dwelling houses, and all compositions in lieu of the said duties, shall cease and determine, and the same are hereby repealed, so far as relates to any assessment of the duties of assessed taxes, or of compositions in lieu thereof, to be made for any year commencing from or after the said 5th of April 1834.

II. That where any contract of composition now in force for any of the duties of assessed taxes doth include the duty on any inhabited dwelling house or dwelling houses repealed by this Act, it shall be lawful for the Commissioners acting in the execution of the several Acts relating to the said duties, in their respective districts, and they are hereby authorized and required, to cause the amount of the composition payable under such contract, and the assessments and duplicates relating thereto, for any year commencing as aforesaid to be reduced to the extent of the said duty hereby repealed and of the additional duty payable thereon by virtue of such contract, and such reduction shall commence and take effect from and after the said 5th of April 1834; and all such contracts shall be of the same force and effect for the recovery and enforcing payment of the reduced instalments of composition, to all intents and purposes, as if the full amount of the instalments compounded for had continued payable on such contracts.

III. That where under or by virtue of any Act or Acts in force, in order to qualify or entitle any person to vote at the election of any Commissioner or Commissioners, or as a qualification for any other purpose, it is required that such person shall occupy a dwelling house assessed to the said duties on inhabited dwelling houses at a certain rent or value, it shall be sufficient to entitle any such person to vote on any such occasion, and it shall be deemed to be a sufficient qualification, or for any such purpose as aforesaid, if such person shall occupy a dwelling house which shall be *bona fide* of the rent or value specified or required in or by any such Act or Acts as aforesaid, without reference to any assessment of the said duties hereby repealed, provided such person shall be in other respects duly qualified for any such purpose as aforesaid; and in case of dispute such rent or value shall be ascertained and determined according to the rules and directions contained in the said Schedule (B.) annexed to the said recited Act, 48 Geo. 3.

CAP. XX.

AN ACT to explain and amend an Act passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, to regulate the Conveyance and Sale of Fish at First Hand.

(16th June 1834.)

By this Act,

After noticing that, by an Act passed 33 Geo. 2. c. 27, certain provisions were made for regulating the sale of fish at first hand in the fish markets of London and Westminster; and that it is by the said Act, amongst other things, enacted, that no live salmon, salmon trout, turbot, large fresh cod, half fresh cod, haddock, scate, fresh ling, soles, or whittings, shall at any time after the arrival thereof at the Nore, as therein mentioned, be unloaded or delivered out of any fishing ship, sloop, smack, or other fishing vessel or vessels, unless by retail, into any other vessel or boat after her arrival at the Nore, but into such vessel

or vessels, boat or boats, as shall be employed to carry the fish directly to the market of Billingsgate or Westminster: And doubts have arisen whether the words of the said Act may not operate to prevent the bringing of fish to any market of London or Westminster which was not in existence or use as a public market at the time of the passing of the said Act, although the object of the legislature was to secure a supply of fresh fish to the cities of London and Westminster, and to prevent the forestalling of the same: And that it is expedient to remove such doubts, and to facilitate the conveyance of fresh fish to the legal markets of the metropolis:—

It is Enacted,

That nothing in the said recited Act contained shall extend or be construed to extend to prevent any person from unloading or discharging from any fishing ship, sloop, smack, or other fishing vessel or vessels any salmon, salmon trout, turbot, large fresh cod, half fresh cod, haddock, scate, fresh ling, soles, whittings, or other fish which may arrive at the Nore, or from putting the same into any other vessel or vessels, boat or boats, for the purpose of bringing the same for sale by first hand at any fish market or markets legally established within the cities of London and Westminster, but that every person shall be at liberty to unload or discharge such fish, and to put the same into other boats for the purpose aforesaid, without being subject or liable to any penalty or punishment for so doing, anything in the said recited Act, or in any other Act, to the contrary notwithstanding.

CAP. XXI.

AN ACT for amending certain Provisions of an Act of the Thirty-sixth of *George* the Third, for regulating the buying and selling of Hay and Straw.

(16th June 1834.)

By this Act,

After noticing that by an Act passed, 36 Geo. 3. c. 88, 'For regulating the buying and selling of Hay and Straw, &c.' it is amongst other things enacted, that the markets for sale of hay and straw within the cities and limits aforesaid shall end at three of the clock in the afternoon of every market day between Lady Day and Michaelmas, and at two of the clock in the afternoon of every market day between Michaelmas and Lady Day, and that notices thereof shall be given by the clerk or toll gatherer, or his deputy, in the several markets or places for the sale of hay and straw within the cities and limits aforesaid, by ringing, on the usual market days, a large hand bell round each respective market or place for the sale of hay or straw, one hour before the expiration of the times above mentioned, and again at the expiration of the hours above mentioned, on pain of forfeiting for every such offence a sum of money not exceeding 10s. nor less than 5s.; and every person who shall sell any hay or straw in any market within the cities or limits aforesaid after the hours aforesaid shall forfeit for every bundle or truss of hay so sold the sum of 6d., and for every bundle or truss of straw so sold the sum of 3d.; and it is also by the same Act further enacted, that if any person having the care or direction of any waggon, wain, or cart used for the purpose of bringing hay or straw shall suffer the same to remain in any market or place for the sale of hay and straw within the cities and limits aforesaid, on the usual market days from Lady Day to Michaelmas after five of the clock in the afternoon, and from Michaelmas to Lady Day after three of the clock in the afternoon, in any year, every person so offending shall forfeit for every such waggon, wain, or cart so left as aforesaid a sum of money not exceeding 20s. nor less than 5s.: and that the said recited provisions were well calculated to prevent obstructions and inconvenience to the public in markets held for the sale of hay and straw in open or public streets or thoroughfares, but the same are unnecessary, and may become vexatious and oppressive, in other markets, and ought therefore to be partially repealed:—

It is therefore Enacted,

That from and after the passing of this Act the several provisions of the said Act of the 36 Geo. 3. c. 88, which are hereinbefore recited, shall be and the same are hereby repealed so far as regards any market for the sale of hay, straw, and clover through which there does not exist by law any public right of way for carts and carriages; and that upon any complaint made or information laid for the recovery of penalties upon breach of any of the said recited provisions of the said Act it shall be incumbent upon the party suing for such penalty to shew by evidence that there does exist such public right of way for carts and carriages through the market in which the offence shall be charged to have been committed.

CAP. XXII.

AN ACT to amend an Act of the Eleventh Year of King *George* the Second, respecting the Appportionment of Rents, Annuities, and other periodical Payments.

(16th June 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Rents reserved on leases determining on the death of the person making them (though not strictly tenant for life), or on the death of the tenant *pur autre vie*, to be considered as within the provisions of recited Act.

2. *All rents, annuities, and other payments coming due at fixed periods to be apportioned;—subject to all just deductions.—Remedies for obtaining the apportioned parts.*
3. *Act not to apply to certain cases.*

By this Act,

After noticing an Act, 11 Geo. 2. c. 19, intituled, 'An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants:' and that doubts have been entertained whether the provisions of the said Act apply to every case in which the interests of tenants determine on the death of the person by whom such interests have been created, and on the death of any life or lives for which such person was entitled to the lands demised, although every such case is within the mischief intended to have been remedied and prevented by the said Act; and it is therefore desirable that such doubts should be removed by a declaratory law: and that, by law, rents, annuities, and other payments due at fixed or stated periods are not apportionable (unless express provision be made for the purpose), from which it often happens that persons (and their representatives) whose income is wholly or principally derived from these sources by the determination thereof before the period of payment arrives are deprived of means to satisfy just demands, and other evils arise from such rents, annuities, and other payments not being apportionable, which evils require remedy:—

It is therefore Enacted,

I. That rents reserved and made payable on any demise or lease of lands, tenements, or hereditaments which have been and shall be made, and which leases or demises determined or shall determine on the death of the person making the same (although such person was not strictly tenant for life thereof), or on the death of the life or lives for which such person was entitled to such hereditaments, shall, so far as respects the rents reserved by such leases, and the recovery of a proportion thereof by the person granting the same, his or her executors or administrators (as the case may be), be considered as within the provisions of the said recited Act.

II. That from and after the passing of this Act all rents service reserved on any lease by a tenant in fee or for any life interest, or by any lease granted under any power, (and which leases shall have been granted after the passing of this Act,) and all rents charge and other rents, annuities, pensions, dividends, moduses, compositions, and all other payments of every description, in the *United Kingdom*, made payable or coming due at fixed periods under any instrument that shall be executed after the passing of this Act, or (being a will or testamentary instrument) that shall come into operation after the passing of this Act, shall be apportioned so and in such manner that on the death of any person interested in any such rents, annuities, pensions, dividends, moduses, compositions, or other payments as aforesaid, or in the estate, fund, office, or benefice from or in respect of which the same shall be issuing or derived, or on the determination by any other means whatsoever of the interest of any such person, he or she, and his or her executors, administrators, or assigns, shall be entitled to a proportion of such rents, annuities, pensions, dividends, moduses, compositions, and other payments according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the death of such person, or of the determination of his or her interest, all just allowances and deductions in respect of charges on such rents, annuities, pensions, dividends, moduses, compositions, and other payments being made; and that every such person, his or her executors, administrators, and assigns, shall have such and the same remedies at law and in equity for recovering such apportioned parts of the said rents, annuities, pensions, dividends, moduses, compositions, and other payments, when the entire portion of which such apportioned parts shall form part shall become due and payable, and not before, as he, she, or they would have had for recovering and obtaining such entire rents, annuities, pensions, dividends, moduses, compositions, and other payments if entitled thereto, but so that persons liable to pay rents reserved by any lease or demise, and the lands, tenements, and hereditaments comprised therein, shall not be resorted to for such apportioned parts specifically as aforesaid, but the entire rents of which such portions shall form a part shall be received and recovered by the person or persons who if this Act had not passed would have been entitled to such entire rents; and such portions shall be recoverable from such person or persons by the parties entitled to the same under this Act in any action or suit at law or in equity.

III. Provided always, That the provisions herein contained shall not apply to any case in which it shall be expressly stipulated that no apportionment shall take place, or to annual sums made payable in policies of assurance of any description.

CAP. XXIII.

AN ACT for the Amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in Trust.

(27th June 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Description of estates and matters included in the provisions of this Act, and construction of terms used.*
2. *If trustee or mortgagee of any land die without an heir, the Court of Chancery may appoint a person to convey.*
3. *Lands, &c., vested in any trustee shall not be escheated by reason of the attainder or conviction of such trustee.*
4. *To whom and to what cases the provisions of this Act shall extend.*
5. *This Act not to prevent the escheat of any beneficial interest.*
6. *Where any person possessing lands, &c. as a trustee shall have died without heirs, or have been convicted, before the passing of this Act, the lands, &c. shall become subject to the controul of the Court of Chancery.—Proviso.*

By this Act,

After reciting that great inconvenience has been found to result to persons beneficially entitled to real or personal property by the escheat or forfeiture thereof to His Majesty, to corporations, to lords of manors, and others, in consequence of the death without heirs, or the conviction for treason or felony, of a trustee in whom or in whose name the same is vested: that it is expedient that the same should be remedied: And inasmuch as, in order to avoid repetition, certain words are used in this Act as describing subjects, some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act—

It is Enacted,

I. That the provisions of this Act shall extend to and include the several estates and persons, matters and things hereinafter mentioned; (that is to say,) those relating to land, to any manor, messuage, tenement, hereditament, or real property, whether freehold, customaryhold, copyhold, or of any tenure whatever; those relating to chattels, to personal property of every description capable of being transferred or disposed of otherwise than in books kept by any company or society, or to any share thereof or interest therein; those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society established or to be established, or to any money payable for the discharge and redemption thereof, or to any share or interest therein; those relating to dividends, to interest, or other annual produce; those relating to a conveyance, to any lease and release, surrender, or other assurance of real property, including all acts and deeds necessary for making and perfecting the same; those relating to an assignment, to any surrender, delivery, or other disposition of the personal property, and to all acts, deeds, and things necessary for making and perfecting the same; those relating to a transfer, to any payment or other disposition of stock; those relating to an heir, to any devisee or other real representative, by the common law, or by custom, or otherwise; and those relating to an executor, to any administrator or other personal representative; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any trustee or other person, or any trust, land, stock, conveyance, assignment, transfer, grant, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several trusts, lands, stocks, conveyances, assignments, transfers, grants, matters, or things respectively as well as one trust, land, stock, conveyance, assignment, transfer, grant, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

II. That where any person seized of any land upon any trust or by way of mortgage dies without an heir, it shall be lawful for the Court of Chancery to appoint a person to convey such land in like manner as is provided by the Act, 11 Geo. 4. & 1 Will. 4. intituled, 'An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases,' in case such trustee or mortgagee had left an heir, and it was not known who was such heir; and such conveyance shall be as effectual as if there was such heir.

III. That no land, chattels, or stock vested in any person upon any trust or by way of mortgage, or any profits thereof, shall escheat or be forfeited to His Majesty, his heirs or successors, or to any corporation, lord of a manor, or other person, by reason of the attainer or conviction for any offence of such trustee or mortgagee, but shall remain in such trustee or mortgagee, or survive to his co-trustee, or descend or vest in his representative, as if no such attainer or conviction had taken place.

IV. That the several provisions of this Act shall extend to every case of a trustee having some beneficial estate or interest in the same subject, or some duty as trustee to perform, and also to every case of a trust arising or resulting by implication of law or by construction of equity.

V. Provided, That nothing contained in this Act shall prevent the escheat or forfeiture of any land, chattels, or stock vested in any such trustee or mortgagee, so far as relates to any beneficial interest therein of any such trustee or mortgagee, but such land, chattels, or stock, so far as relates to any such beneficial interest, shall be recoverable in the same manner as if this Act had not passed.

VI. Recites that it is expedient to relieve persons beneficially entitled to real or personal property which has already escheated or become forfeited to His Majesty, to corporations, to lords of manors, or others, by any of the means aforesaid; and enacts, That in all cases where before the passing of this Act any person possessed of or entitled to any land, chattels, or stock, or any right to or interest in any land, chattels, or stock, as a trustee thereof, either in whole or in part, or jointly with some other trustee or trustees, shall have died without an heir, or shall have been convicted of any offence whereby the said land, chattels, or stock, or any of them, have escheated or been forfeited, or have become subject to any escheat or forfeiture, then and in every or any such case the said land, chattels, or stock, or the right thereto or interest therein which hath escheated or been forfeited, or become subject to escheat or forfeiture by reason thereof, shall be subject to the order, controul, and disposition of the Court of Chancery, for the use of the party beneficially interested therein, in such manner, and subject in all respects to such rights and incidents, and to such orders and regulations of the said Court, under the provisions of the said Act, 11 Geo. 4. & 1 Will. 4. as if such person so dead without an heir, or so convicted, as aforesaid, were out of the jurisdiction of or not amenable to the process of the said Court, without having been so convicted: Provided always, that nothing in this clause contained shall extend to any land, chattels, or stock now vested in any person by virtue of any grant thereof made subsequently to the time when such escheat or forfeiture first occurred, or to any land, chattels, or stock which more than twenty years prior to the passing of this Act shall have been actually vested in possession or reduced into possession by the party entitled thereto by virtue of any such escheat or forfeiture.

CAP. XXIV.

An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Pensions to the First Lord of the Treasury, Secretaries of State, Chancellor of the Exchequer, First Lord of the Admiralty, President of the India Board, President of the Board of Trade.*
2. *Chief Secretary of Ireland, Secretary at War.*
3. *Joint Secretaries of the Treasury, First Secretary of Admiralty, Vice President of Board of Trade.*
4. *Under Secretaries of State, Clerk of the Ordnance, Second Secretary of Admiralty, Secretaries of India Board.*
5. *Regulation as to period of service.*
6. *Declaration to be made by persons claiming pensions.*
7. *Regulations with respect to pensions contained in recited Acts to apply to pensions under this Act.*
8. *Repeal of 50 Geo. 3. c. 117, 51 Geo. 3. c. 21, 3 Geo. 4. c. 113, 5 Geo. 4. c. 104, 6 Geo. 4. c. 87. s. 8.*
9. *Superannuation allowance to persons who entered the service before 5th Aug. 1829.*
10. *Superannuation allowance to persons who shall have entered the service subsequent to 4th Aug. 1829.*
11. *Conditions on which allowances are to be granted as to age and infirmity.*
12. *Superannuations not to be granted on advanced amount of salary received for less than three years.*
13. *Superannuations, &c. to be clear of deductions on account of taxes.*
14. *Act to extend to offices enumerated in the Schedule; and others may be added by the Treasury.*
15. *Such addition not to extend to offices entitling the holders to half-pay, or to offices in Courts of Justice, &c.*
16. *Compensation to Military and Naval Officers for civil services not to exceed two-thirds of salary except in special cases.*
17. *Allowances may be made in special cases, such cases to be laid before Parliament.*
18. *No compensation to be charged upon the funds of the department; nor without concurrence of His Majesty in Council or of the Treasury.*
19. *All who have retired on the abolition or reduction of office, made liable when called upon to take office.*
20. *No superannuation or compensation to be enjoyed with salary for efficient services.*
21. *Not to extend to half-pay, &c.*
22. *Account of increase and diminution of public salaries, pensions, and allowances to be annually laid before Parliament.*
23. *Civil allowances, &c. to be laid before Parliament.*
24. *Orders of His Majesty in Council and minutes of Treasury making general rules respecting superannuation allowances, to be laid before Parliament.*
25. *Half-pay and Military and Naval pensions to be laid before Parliament in separate estimates.*
26. *Compensations not provided for to be charged on funds of departments.*
27. *Abatement to be made from the salaries of those who have taken office since the 4th Aug. 1829.*
28. *Average of emoluments to be made by heads of departments.*
29. *Vice Treasurer of Ireland to transmit accounts of his execution of the Act.*
30. *Act not to give an absolute right to allowances, or to prevent dismissal of persons for misconduct.*
31. *Act may be amended this session.*

By this Act,

After reciting that by an Act passed 57 Geo. 3. c. 65, to enable His Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices, His Majesty is empowered to grant pensions, as therein provided, to persons who shall have served His Majesty, his heirs or successors, in the offices therein mentioned: And that by an Act passed 6 Geo. 4. c. 90, for amending the said recited Act, it is enacted, that the several other offices therein particularly described shall be deemed to be comprised in the several classes of offices in the said recited Act respectively specified: And that it is expedient that the amount of the pensions by the said two Acts authorized to be granted should as to future pensions be reduced, and the conditions under which the same shall be granted be altered and regulated:—

It is Enacted,

1. That from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of First Lord of the Treasury, or of one of His Majesty's Principal Secretaries of State, or Chancellor of the Exchequer, or First Lord of the Admiralty, or President of the Board of Commissioners for the Affairs of India, or President of the Committee of Council appointed for the consideration of matters relating to Trade and Foreign Plantations, shall exceed the sum of £2000l. per annum; nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than two years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such pensions hereafter to be granted, be existing or in force at the same time.

11. That from and after the passing of this Act no pension to be granted to any person in respect of his having served in either or both of the offices of Chief Secretary for Ireland or Secretary at War shall exceed the sum of 1400l. per annum, nor shall any such pension be granted to any person unless he shall have held one or both of the said offices for a period of not less than five years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than two such last-mentioned pensions be existing or in force at the same time.

III. That from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of one of the joint Secretaries of the Treasury, or First Secretary of the Admiralty, or Vice President of the Committee of Commissioners appointed for the consideration of matters relating to Trade and Foreign Plantations, shall exceed the sum of 1200*l.* per annum; nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than five years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such last-mentioned pensions be existing or in force at the same time.

IV. That from and after the passing of this Act the pension, not exceeding 1000*l.* authorized by the said recited Act to be granted to any person in respect of his having served in any one more of the offices of one of the Under Secretaries of State, or Clerk of the Ordnance, or second Secretary of the Admiralty, or one of the Secretaries of the Board of Commissioners for the Affairs of India, shall not be granted to any such person unless he shall have held one or more of the said offices for a period of not less than ten years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than six such last-mentioned pensions be existing or in force at the same time.

V. Provided, That in case it shall happen that any person shall have served His Majesty, his heirs or successors, in more than one class of offices hereinbefore specified, in respect whereof any pension less than 2000*l.* may be granted, it shall be lawful to grant, under the regulations aforesaid, to such person any pension annexed to the highest class of office in which such person may have been employed, whenever the whole period of the service of such person in the several offices in which he shall have been employed shall amount to ten years, although the period of the service of such person in such highest class shall not have extended to the period of five years; provided always, that such person shall have served in such highest class for the period of not less than three years; and in cases in which the service of any such person in any class of those offices shall not be sufficient to entitle him to the pension of that class, it shall be lawful to grant him a pension not exceeding 1000*l.*, provided the period of his aggregate services in that and any inferior class or classes or department of the public service shall amount to ten years; Provided also, that there shall not be more than the aforesaid number of pensions to that amount existing at the same time.

And after noticing that the principle of the regulations for granting allowances of this nature is and ought to be founded on a consideration, not only of the services performed by the individual to the state, but of the inadequacy of his private fortune to maintain his station in life :—

It is Enacted,

VI. That from and after the passing of this Act, whenever any person shall seek to obtain any one of the pensions before mentioned, his application for that purpose shall be made in writing to the Commissioners of His Majesty's Treasury, to which he shall subscribe his name, and which shall contain, not only a statement of the services performed by him, and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of this Act and the principle herein above declared, and without such declaration no pension as hereinbefore provided or authorized shall be granted.

VII. Provided, That the several regulations with respect to the granting of any of the before-mentioned pensions, and to the receipt thereof by the persons to whom such grants may be made, which are contained in the said recited Act, 57 Geo. 3, and the 6 Geo. 4, shall continue in full force and effect, and be applicable to pensions to be granted under the authority of this Act, except so far as any such regulations are altered or repealed by the enactments contained in this Act.

VIII. That from and after the passing of this Act an Act made in the 50 Geo. 3, to direct that accounts of increase and diminution of public salaries, pensions, and allowances shall be annually laid before Parliament, and to regulate and controul the granting and payment of such salaries, pensions, and allowances; and two several Acts, 51 Geo. 3, and 3 Geo. 4, severally to amend the said Act of 50 Geo. 3; and also an Act, 5 Geo. 4, to amend the said Act of 3 Geo. 4; and so much of an Act, 6 Geo. 4, to regulate the payment of salaries and allowances to British Consuls, as respects the allowance to be made to such Consuls in the nature of superannuation or reward for meritorious public services; shall be and the same are hereby repealed, except so far as relates to any matter or thing already done under the said Acts or either of them.

IX. That from and after the passing of this Act the superannuation allowances to be granted to such officers and clerks who shall have entered the Public Service prior to the 5th August 1829, (except only as hereinafter is authorized) shall not exceed the following proportions with reference to the amount of their salaries and the periods of their services respectively; (*videlicet*),

To an officer, clerk, or person who shall have served ten years and upwards, and under fifteen years, any annual allowance not exceeding in amount four twelfths of the annual salary and emoluments of his office :

For fifteen years and upwards, and under twenty years, not exceeding five twelfths of such salary and emoluments :

For twenty years and upwards, and under twenty-five years, not exceeding six twelfths of such salary and emoluments :

For twenty-five years and upwards, and under thirty years, not exceeding seven twelfths of such salary and emoluments :

For thirty years and upwards, and under thirty-five years, not exceeding eight twelfths of such salary and emoluments :

For thirty-five years and upwards, and under forty years, not exceeding nine twelfths of such salary and emoluments :

For forty years and upwards, and under forty-five years, not exceeding ten twelfths of such salary and emoluments.

For forty-five years and upwards, and under fifty years, not exceeding eleven twelfths of such salary and emoluments :

And for fifty years or upwards, any annual allowance not exceeding the net amount of the salary and emoluments of his office.

X. That from and after the passing of this Act it shall not be lawful to grant to any officer or clerk who shall have entered the public service subsequent to the 4th of August 1829, except as hereinafter authorized, any superannuation or allowance exceeding the following proportions, with reference to the amount of their salaries and the periods of their services respectively; (*videlicet*,)

To an officer, clerk, or person who shall have served ten years and upwards, and under seventeen years, any annual allowance not exceeding in amount three twelfths of the salary and emoluments of his office :

For seventeen years service and upwards, and under twenty-four years, not exceeding four twelfths of such salary and emoluments :

For twenty-four years service and upwards, and under thirty-one years, not exceeding five twelfths of such salary and emoluments :

For thirty-one years and upwards, and under thirty-eight years, not exceeding six twelfths of such salary and emoluments :

For thirty-eight years and upwards, and under forty-five years, not exceeding seven twelfths of such salary and emoluments :

And for forty-five years and upwards, not exceeding eight twelfths of such salary and emoluments :

And in no case, except as hereinafter is especially provided, shall any superannuation or allowance exceeding two thirds of the salary and emoluments of any such officer, clerk, or person, be granted.

XI. That from and after the passing of this Act it shall not be lawful to grant any superannuation allowance to any officer or clerk who shall be under sixty-five years of age, unless upon certificates from the heads of the department to which such officer or clerk shall belong, and from two medical practitioners, that he is incapable, from infirmity of mind or body, to discharge the duties of his situation, nor unless he shall have discharged those duties with diligence and fidelity, to the satisfaction of the head officer or officers of his department, which shall be certified by any two of such head officers if there shall be more than one, or by such head officer if there shall be but one ; and in case the person claiming such superannuation allowance shall himself be the head officer, or one of the head officers, then such superannuation allowance shall not be granted unless he shall have discharged the duties of his situation with diligence and fidelity, to the satisfaction of the Commissioners of the Admiralty, if such head officer shall hold any office or situation under the controul of that department, and in all other cases to the satisfaction of the Commissioners of the Treasury ; and the said Commissioners of the Admiralty and Treasury respectively shall express such satisfaction in their minute recommending or authorizing the grant of any such superannuation allowance.

XII. Provided, That the superannuation allowance to be granted to any officer or person after the passing of this Act shall not be computed upon the amount of the salary enjoyed by him at the time of his retirement, unless he shall have been in the receipt of the same, or in the class from which he retires, for a period of at least three years immediately before the granting of such superannuation allowance ; and in case he shall not have enjoyed his then existing salary, or have been in such class for that period, such superannuation allowance shall be calculated upon the average amount of salary received by such person for three years next preceding the commencement of such allowance.

XIII. That all compensations and allowances granted, or hereafter under this Act to be granted, as pensions or superannuations, shall be paid to the persons entitled to receive the same without any abatement or deduction in respect of any taxes or duties whatever at present existing.

XIV. That the superannuation allowances authorized by this Act shall extend to all such civil offices and departments as are set forth and enumerated in the Schedule to this Act, with such exceptions as are specified in the said Schedule : Provided always, that it shall be lawful for the Commissioners of His Majesty's Treasury, by any order or warrant under the hands of any three or more of them, to add to the list of offices and departments enumerated in the said Schedule any other offices or departments which now exist or may hereafter be created or established, and to place the same, and the officers and persons employed therein, under the provisions of this Act ; in every which order or warrant the reasons for adding any such office or department shall be stated, and a copy of every such order or warrant shall be laid before Parliament within one month after the making thereof, if Parliament shall be then sitting, and if not, then within one month after the then next sitting of Parliament ; and all the provisions of this Act, and all the powers, authorities, regulations, restrictions, and clauses therein contained, shall in every such case apply and be put in force with respect to every office or department which shall be so added as aforesaid as fully and effectually, to all intents and purposes, as if they had been originally specified and enumerated in the said Schedule.

XV. Provided, That nothing in this Act contained shall extend or be construed to extend to or authorize the adding to such list any offices held under military or naval commissions, entitling the holders of the same to half-pay, or any military or naval allowance in lieu of or in addition to half-pay, allowed under the regulation of any order of His Majesty in council to any persons for services in His Majesty's Army, Navy, or Ordnance, or any offices in any of His Majesty's courts at Westminster or Dublin, or any other His Majesty's courts of justice elsewhere, or the Comptroller of His Majesty's Exchequer, or any offices in relation to which the granting of any allowances for past services has been specially regulated by any Act, or any offices held as sinecures, or executed principally by deputy.

XVI. That no compensation hereafter to be made or superannuation allowance to be granted in respect of civil services to any person entitled to half-pay in the Army, Ordnance, Navy, or Marines, who shall have been appointed to the civil service subsequently to the 4th of August 1829, shall in any case, except as in this Act is specially provided, exceed in the whole (computing his half-pay in such compensation or allowance) the amount of two thirds of the salary and emoluments of the office relinquished by him : Provided always, that nothing in this Act contained shall extend or be construed to extend to entitle any superintendent of a dock yard or other establishment in the civil department of the Navy, who shall have held any civil appointment prior to the 5th of August 1829, to any superannuation allowance under this Act beyond the amount stipulated

by the terms on which he shall have accepted the office of superintendent, or the amount established by any order of His Majesty in council concerning superintendents.

XVII. Provided, That in any case in which it shall appear to the Commissioners of His Majesty's Treasury that any special circumstances afford to any officer or clerk in the several offices or departments mentioned in the Schedule to this Act, or in the addition authorized to be made thereto, who is not within the exceptions therein contained, a just claim to an amount of superannuation allowance not authorized by this Act, or exceeding the amount therein specified with reference to the length of his service, it shall be lawful for the Commissioners of His Majesty's Treasury to grant, or give authority for granting, any special superannuation which such officer or clerk shall appear to them to deserve; but in every such case the grounds on which such special superannuation shall be granted or authorized shall be stated in the grant thereof, or in the authority for granting the same, and also entered in the minutes of the Treasury, and shall likewise be laid before Parliament within one month after the 5th of January in each year, if Parliament be sitting during that period, or if not, then within one month after the ensuing meeting of Parliament.

XVIII. That no compensation for any office abolished, nor any special allowance or remuneration for good services to any person holding or having held any civil office in any public department, shall be charged upon the incidents or any other fund of any such department; and that no such compensation, nor any allowance or compensation in the nature of superannuation or retired allowance or reward to any such person in respect of his having held any public office or employment, or having been engaged in any public service, shall be granted, allowed, or paid, other than under the authority of an order of His Majesty in council, or by the Commissioners of His Majesty's Treasury, or any three or more of them.

XIX. And provided, That every person to whom any compensation or allowance, in consequence of the abolition or reduction of office, shall hereafter be granted, shall at all times, when called upon, be liable to fill, in any part of His Majesty's dominions in which he shall have already served, any public office or situation under the Crown for which his previous public services may render him eligible; and that if he shall decline, when called upon so to do, to take upon himself such office or situation, and execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to any compensation or allowance which may have been granted to him in respect of any former services.

XX. Provided, That in case any person enjoying any superannuation allowance, in consequence of retiring from office on account of age, infirmity, or any other cause, or enjoying any compensation for past services upon the abolition or reduction of office, shall be appointed to fill any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than what with the salary of his new appointment shall be equal to that of his former office.

XXI. Provided, that nothing herein contained with respect to compensation, superannuation, or allowance for civil services, shall extend or be construed to extend to any military or naval half-pay, or allowance in lieu of half-pay, or to any military or naval allowance or pensions granted or to be granted, under the regulations of any order of His Majesty in council, in any of the respective departments of the Commissioners of the Admiralty, the Secretary at War, and the Master General of the Ordnance, except as hereinafter is provided with respect to the same.

XXII. That between the 1st of February and the 25th of March in every year, or if Parliament shall not be sitting during any part of that period, then within twenty days after the next meeting of Parliament, there shall be laid before both houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the 31st of December, in the number of persons employed in all public offices or departments under the Crown, and in the salaries, emoluments, allowances, and expenses which shall have taken place or been paid, granted, received, or incurred for and in respect of all officers and persons belonging to or employed in all such public offices or departments, specifying the amount and nature thereof, and distinguishing every increase and diminution in the amount of all allowances or compensations granted as retired allowances or superannuations to any person having held any office, place, or employment in any such public office or department, and also the time and length of service of every such person, and the amount of the salary and emoluments received by such person immediately preceding his superannuation or retirement, and the nature of his services, and the grounds upon which such increase or diminution in the establishment of every such public office or department, or of any such salary, emolument, allowance, compensation, or superannuation, shall have been granted or made; and also specifying the name of every person receiving such allowance or compensation who may have died in the course of the year, together with the amount of the annual allowance payable to such person.

XXIII. Provided, That accounts of all compensations for offices abolished, and of all allowances in the nature of superannuation or retired allowances to all other persons in respect of their having held any public office or employment under the Crown, shall annually, at the period lastly provided, be laid before the Commons House of Parliament.

After reciting that the scale of allowance under this Act specifies the highest rate which a superannuated officer can receive unless his case be specially laid before Parliament: And that it is expedient that the Lords of His Majesty's Treasury and the Lords of the Admiralty for the time being respectively should consider the health, age, meritorious conduct, and other circumstances of each party applying for a superannuation allowance, in order to exercise their discretion in fixing the amount of such allowance, subject always to the limitation prescribed by this Act: And that it is expedient that Parliament should be made acquainted with the manner in which such discretion shall be exercised:—

It is therefore Enacted,

XXIV. That all orders of His Majesty in council, and minutes of the Lords of the Treasury, which shall at any time be framed or passed laying down any general rule or regulation respecting the granting of superannuation allowances, shall within one month of the date thereof, if Parliament should be then sitting, or if not, then within one month after the commencement of the next ensuing session of Parliament, be laid before the two houses of Parliament respectively.

xxv. Provided, That all half-pay and allowances in lieu of half-pay in the several departments of the Army, Ordnance, Navy, and marines, and all military and naval allowances or pensions granted or which shall be granted in any of such departments under the authority of any order in council, shall be annually laid before the Commons House of Parliament in separate estimates, at the same time with the ordinary estimates of those respective departments, and shall be kept distinct from all pensions, compensations, superannuation and retired allowances in any of the civil offices of those departments respectively.

xxvi. That the compensations, superannuations, and allowances authorized as well by this as any former Act or Acts shall, when not specially provided for by Parliament, be charged upon and paid and payable by the respective departments or offices in which the persons receiving such allowances shall have served.

After reciting that the Commissioners of the Treasury did, by a minute dated the 4th of August 1829, record their intention to adopt certain regulations with a view to reduce prospectively the charge incurred in providing for superannuation allowances, of which notice was given in the several public departments, for the information of those who should thereafter enter the public service: And that, in pursuance of the said minute, an annual abatement hath been made from the salaries and emoluments of the several persons who have entered the public service subsequent to the date thereof: And that it is expedient to continue such abatement in those cases, and to extend it to others as hereinafter provided:—

It is therefore further Enacted,

xxvii. That from and after the passing of this Act there shall be an annual abatement made, in quarterly proportions, by the proper officer in each respective department, from the salaries and emoluments of the several officers and persons employed in the several civil offices and departments specified in the Schedule to this Act, or to be specified in the addition authorized to be made thereto, and not within the exceptions thereof, who have since the date of the said minute entered or shall hereafter enter the public service, in such manner and under such directions as shall from time to time be given in this respect by the Commissioners of the Treasury or of the Admiralty, as the case may be; the amount of which abatement shall be according to the respective rates following; (that is to say,)

From salaries and emoluments not exceeding the annual sum of 100*l.*, an abatement after the rate of 2*l.* 10*s.* per centum.
And from salaries and emoluments exceeding 100*l.*, 5*l.* per centum.

And in the cases of all persons whomsoever at present holding office and entitled to superannuation allowance under this Act who shall have been appointed to such office subsequently to the issue of the minute of the Lords Commissioners of His Majesty's Treasury, bearing date the 4th of August 1829, for the future regulation of the several civil departments of the public service, and who shall hereafter, upon promotion, obtain any increase of salary or allowances in respect of their offices, an annual abatement, after the like rates respectively, shall be made from the amount of such increase from time to time, commencing from the period when the same shall take place.

xxviii. That it shall be lawful for the person or persons at the head of any department in which any fees or other sources of profit may form part of the emoluments of any office in such department, to fix, with the approbation of the Commissioners of His Majesty's Treasury, or for the Commissioners of the Admiralty, if the office shall be in that department, an average sum upon which the compensation or superannuation allowance shall be granted, as well as the sum to be annually abated, as hereinafter provided, from such person's salary in respect of such emoluments, which sum so to be fixed shall not exceed the average amount of such emoluments for the three last preceding years.

xxix. That the Vice Treasurer of Ireland shall at all times, when required so to do by the Commissioners of His Majesty's Treasury, transmit to the said Commissioners accounts of the execution of this Act, and of all matters and things relating thereto, in his execution of the powers thereof, in such manner and form, and containing such particulars, as he shall in that behalf be from time to time directed.

xxx. Provided, That nothing in this Act contained shall extend or be construed to extend to give any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under this Act, or to deprive the Commissioners of His Majesty's Treasury, and the heads or principal officers of the respective departments, of their power and authority to dismiss any person from the public service without compensation.

xxxi. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

SCHEDULE to which this Act refers.

Officers or Departments.

Treasury
Office of Vice Treasurer in Ireland.
Office of Privy Council, Great Britain and Ireland
Office of Committee for Trade
Offices of Secretaries of State
Office of Secretary for Ireland
Alien Office.
Consuls General and Consuls restricted from being engaged
in Trade.
State Paper Office.

Exceptions.

Lords of the Treasury and Joint Secretaries.
President of the Council.
President and Vice President.
Secretaries and Under Secretaries.
Chief Secretary, the Parliamentary Counsel for Irish Affairs.

*Officers or Departments.**Exceptions.*

Office of Registrar of Slaves.	
Police Offices in London and Middlesex and Borough of Southwark.	
Commander of the Forces Office, England and Ireland	} Commander in Chief and his Secretary, and Officers acting under Military Commissions.
Quartermaster General's Office, ditto	
Adjutant General's Office, ditto	} Secretary at War.
War Office	
Army Medical Board.	
Board of General Officers	} Officers acting under Military Commissions.
Chaplain General's Office.	
Judge Advocate General's Office	Judge Advocate General.
Army Pay Office	Paymaster General.
Ordnance Office	} Master General.—Clerk of the Ordnance.—Surveyor General.—Principal Storekeeper.—Secretary to Master General, and all Persons holding their situations by Military Commission.—Treasurer of the Ordnance.
Chelsea and Kilmainham Hospitals	
Royal Military College	} Persons who, being Military Officers, may be entitled to Full or Half Pay as such, subject, however, to the Provisions of this Act.
Royal Military Asylum	
Admiralty and Naval Establishments at Home and Abroad..	} Lords of the Admiralty and Secretaries.—Superintendents of Dock Yards and Victualling Yards, and Naval Medical Establishments or Hospitals, not having been employed in the Civil Service of the Navy prior to the 5th of August 1829, and Officers acting by virtue of Naval or Military Commissions or Warrants, and entitled to Half Pay.
Navy Pay Office	
Tax Office and Stamp Office.	The Treasurer,
Customs.	
Excise.	
Post Office	The Postmaster General.
Royal Mint	The Master of the Mint.
Audit Office.	
Comptrollers of Army Accounts.	
National Debt Office.	
Office of Comptroller of the Exchequer	} The Comptroller General.
Exchequer Bill Office.	
Stationary Office.	
Office of Woods, Forests, Works, &c.	First Commissioner.
King's Remembrancer's Office in the Exchequer of Scotland.	
Office of Auditor of the Exchequer of Scotland	} Auditor.
Signet and Privy Seal Offices, Scotland.	
British and Irish Fishery.	

IRELAND.

Office of Teller of the Exchequer	} The Teller.
Commissariat	
Hibernian School for Soldiers' Children.	} Persons holding Commissions entitling them to Half Pay, subject, however, to the Provisions of this Act.
Board of Education.	
Privy Seal Office.	
Board of Charitable Donations and Bequests.	
Registrar of Deeds.	

CAP. XXV.

AN ACT to alter and extend the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. The authority to draw bills for pay extended to certain inferior classes in the Navy;—but not to be allowed to persons having made allotments or being in the receipt of monthly pay.
2. Certain officers who formerly could draw for only three-fourths authorized to draw for their whole pay.—Bills to be drawn for such periods as shall be fixed by the Admiralty.

3. *Certain warrant and petty officers entitled to two months advance of pay on the fitting out of a ship.*
4. *Allotments may be made in favour of brothers and other relatives.*
5. *Amount of allotment to be fixed by the Admiralty.*
6. *Allotments may be stopped when there is any debt until it is cleared.*
7. *Remittance of wages extended.*
8. *Inspector's duty as to monies due to deceased persons extended.*

By this Act,

After reciting that by an Act passed, 11 Geo. 4. c. 20, intituled, 'An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy,' certain petty officers, under the circumstances therein mentioned, amongst others, are empowered to receive their pay by drawing bills for the same at the periods therein respectively provided: and that it is expedient that such privilege should be extended to the several petty officers and other persons hereinafter mentioned belonging to His Majesty's ships:—

It is Enacted,

I. That from and after the 30th of September 1834 it shall be lawful for every mate, midshipman, and master's assistant, although any such person shall not have passed his examination, and also for every volunteer of the first class, and for every engineer and assistant engineer belonging to any steam vessel of His Majesty, at the end of every six or twelve months, but not for a shorter period than six months, to draw bills periodically upon the Accountant General of the Navy for the net personal pay which shall then be due to any such person, but nevertheless under such regulations, limitations, and restrictions as shall from time to time be established for that purpose by the Commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being: Provided always, that no person authorized to make any allotment of his wages, or entitled to receive monthly pay, under the provisions of the said recited Act, shall be allowed to draw any such bill as aforesaid for any period during which any such allotment shall be in force or in the course of payment, or during which he shall be in the receipt of such monthly pay.

And after reciting that by the said recited Act certain officers therein mentioned, who have not accounts to pass, are authorized to draw bills quarterly for the balance of their personal pay, and certain other officers are thereby authorized to draw bills only for three fourths of their pay: And that it is expedient to extend the authority to draw for the whole of their pay to the several officers hereinafter mentioned:—

It is therefore further Enacted,

II. That from and after the 30th of September 1834 it shall be lawful for every captain, commander, lieutenant, or master commanding a ship, surgeon, purser, and assistant surgeon acting as surgeon, in the several cases to be approved by the said Commissioners for executing the office of Lord High Admiral aforesaid for the time being, and under such regulations, limitations, and restrictions as the said Commissioners shall from time to time establish, to draw a bill upon the Accountant General of the Navy periodically for the net personal pay which shall be then due to any such officer: Provided always, that all bills for personal pay to be drawn under the authority either of the said recited Act or this Act shall, from and after the commencement of this Act, be drawn for such periods of time and up to such periodical days in the year as the said Commissioners for executing the office of Lord High Admiral aforesaid shall from time to time fix and establish for that purpose.

And after reciting that by the said recited Act an advance of two months pay is authorized to be made to volunteer seamen and landmen on the first fitting out of the ship in which they shall be appointed to serve: and that it is expedient to extend that benefit to the several persons hereinafter mentioned:—

It is further Enacted,

III. That from and after the 30th of September 1834, mates, boatswains, gunners, carpenters, second masters, and petty officers shall be entitled to receive a similar advance of two months personal sea pay at such times, in the same manner, and under the same regulations, as volunteer seamen and landmen are allowed to receive the same.

And after reciting that by the said recited Act the persons in whose favour allotments of pay are authorized to be made are limited to certain relatives of the party making the allotment as therein mentioned, and that it is expedient to extend the said Act in this respect:—

It is therefore further Enacted,

IV. That from and after the 30th of September 1834, the party entitled to make any allotment of his pay shall be at liberty to make the same to or in favour of the following other relatives and persons; (that is to say,) a brother, sister, grandfather, grandmother, mother-in-law, and child or children of the age of eighteen years or upwards, and to a trustee or trustees for the support of any child or children under that age.

V. That in all cases whatever of allotment to be made, either under the said recited Act or this Act, it shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid from time to time to establish and fix the amount of pay to be allotted, not exceeding in any case one moiety of the monthly wages of the party making the allotment.

VI. And it is declared, That whenever any person who shall have made an allotment of his wages under this or the said recited Act shall be found to be in debt to the public on the ships books or otherwise, it shall be lawful for the said Commissioners for executing the office of Lord High Admiral to cause payment under such allotment to be stopped until such person shall have been cleared of the debt owing by him.

And after reciting that by the said recited Act petty officers, seamen, and non-commissioned officers of marines and private marines, who shall not have made any allotment of their pay, are empowered to remit the whole or any part of the pay due to them (except for the last six months) to the respective relatives therein mentioned: and that it is expedient to extend the said Act in respect to such remittances:—

It is therefore further Enacted,

VII. That from and after the 30th of September 1834 it shall be lawful for any petty officer, seaman, non-commissioned officer of marines, or marine, notwithstanding he may have made an allotment of his pay, to cause to be paid by remittance in the manner thereby provided any further portion of his pay which may remain due to him, except for the last six months, and that any such remittance of wages may be made payable either to any of the relatives mentioned in the said recited Act, or to any child or children of the age of eighteen years or upwards of the party making the allotment, or if under that age then to a trustee on the behalf of such child or children; or any such petty officer, seaman, non-commissioned officer of marines, or marine may, if he shall think fit, authorize any such part of his pay to be invested for his benefit in such savings bank and under and subject to such rules and regulations as the said Commissioners for executing the office of Lord High Admiral aforesaid shall from time to time fix and establish for that purpose, consistently with the safety and convenience of the public service, and the benefit of the party desiring the investment to be made.

And after reciting that by the said recited Act, in order to avoid the expense which the relatives of deceased officers, seamen, and others may otherwise be put to in obtaining payment of small sums due to such deceased persons, provision is made for the payment thereof without probate or letters of administration in the several cases therein mentioned, under a certificate or check to be issued by the Inspector of Seamen's Wills, which officer by an Act passed 2 Will. 4, for amending the laws relating to the civil departments of the Navy, is also empowered to issue a similar certificate or check in other cases as therein mentioned: And that it is expedient to extend the said provision to cases not provided for by either of the said Acts, and to consolidate the law upon this subject:—

It is Enacted,

VIII. That from and after the 30th of September 1834, in the case of the death of any commissioned, warrant, or petty officer, seaman, commissioned or non-commissioned officer of Royal Marines, or private marine, or of any widow entitled to a pension on the establishment of the Navy, or of any person entitled to an allowance from the Compassionate Fund, or of any person having been employed in any of His Majesty's dock yards, naval, victualling, or medical establishments, or in any of the civil departments of the Navy, or of any person entitled to any prize money, bounty, grant, or other money in the nature of naval prize, and respectively leaving assets to be administered which shall not in the whole exceed the sum of 32*l.*, it shall be lawful for the Inspector of Seamen's Wills in the Admiralty Office, after having satisfied himself, by due investigation, of the right of any claimant to probate of the will if the deceased shall have left a will, or, in case of intestacy, to letters of administration, and also on due proof, to the satisfaction of the Inspector, that the assets of the deceased to be administered do not in the whole exceed the sum of 32*l.*, to issue a certificate to that effect and in admission of the claim, which certificate shall be in such form as by the Commissioners for executing the office of Lord High Admiral aforesaid shall be deemed expedient, and so far as regards any monies payable in the Naval Department, and not exceeding 32*l.*, shall have the same force and effect as a probate of the deceased's will, or a grant of administration of the deceased's effects, could or might have; and that payment to be made under the authority of such certificate of any monies not exceeding the said sum of 32*l.*, due to the deceased on account of any naval pay or wages, or pay or wages of the ordinary, or any marine pay, or of any half-pay, pension, or prize, or bounty, grant, or other money in the nature of prize, or of any allowance from the Compassionate Fund, or monies due on account of the deceased's services, or superannuation allowances granted on retirement from any services in any of His Majesty's dock yards, naval, victualling, or medical establishments, or in any of the civil departments of the Navy, or any department under the direction of the said Commissioners, shall be valid and conclusive against all parties as effectually as if the same had been paid under probate or letters of administration, and shall be allowed to the Treasurer of the Navy in his accounts.

CAP. XXVI.

AN ACT to abolish the Practice of hanging the Bodies of Criminals in Chains.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. So much of recited Acts as authorizes the dissecting or hanging in chains certain criminals after execution repealed.
2. On conviction for murder in Ireland the Court shall direct the prisoner to be buried within the prison.

By this ACT,

After reciting that by an Act passed 9 Geo. 4. c. 31, intituled, 'An Act for consolidating and amending the Statutes in England relating to Offences against the Person,' it is amongst other things enacted, that the body of every person convicted of murder shall after execution either be dissected or hung in chains, as to the Court which tried the offender shall seem meet, and that the sentence to be pronounced by the Court shall express that the body of the offender shall be dissected or hung in chains, whichever of the two the Court shall order: And that by a certain Act passed 10 Geo. 4. c. 34, intituled, 'An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person,' a like provision is made with respect to persons convicted of murder in Ireland: And that by a certain Act made and passed 2 & 3 Will. 4. c. 75, intituled, 'An Act for regulating Schools of Anatomy,' so much of the provision of the said recited Act made and passed 9 Geo. 4, as authorized the Court to direct that the body of a person convicted of murder should after execution be dissected is repealed, and instead thereof it was enacted, that in every case of conviction of any prisoner for murder the Court before which ser-

prisoner shall have been tried shall direct such prisoner either to be hung in chains or to be buried within the precincts of the prison in which such prisoner shall have been confined after conviction, as to such Court should seem meet; and that the sentence to be pronounced by the Court should express that the body of such prisoner shall be hung in chains or buried within the precincts of the prison, whichever of the two the Court should order: And that it is expedient to amend the said recited Acts:

It is therefore Enacted,

I. That so much of the said recited Act made and passed 9 Geo. 4, as authorizes the Court to direct that the body of a person convicted of murder should after execution be hung in chains, and also so much of the said recited Act made and passed 10 Geo. 4, as authorizes the Court to direct that the body of a person convicted of murder should after execution be dissected or hung in chains, and also so much of the said recited Act made and passed 2 & 3 Will. 4, as provides that in every case of conviction of any prisoner for murder the Court shall direct such prisoner to be hung in chains, shall be and the same is hereby repealed.

II. That in every case of conviction in Ireland of any prisoner for murder the Court before which such prisoner shall have been tried shall direct such prisoner to be buried within the precincts of the prison within which such prisoner shall have been confined after conviction, and the sentence to be pronounced by the Court shall express that the body of such prisoner shall be buried within the precincts of such prison.

CAP. XXVII.

AN ACT for the better Administration of Justice in certain Boroughs and Franchises.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Justices of the Peace acting for boroughs may commit persons for felonies triable at Sessions.*
2. *Justices in boroughs, &c. having jurisdiction at sessions over certain felonies may commit to the gaol of the county any person charged with a felony the trial of which may legally take place at the Quarter Sessions, but to which the jurisdiction of the borough Justices does not extend.*
3. *In places having a Recorder and a fit prison, the Magistrates shall commit to such; and the Quarter Sessions of such places shall have authority to punish offenders.*

By this Act,

After reciting that the Justices of the Peace acting in and for certain boroughs and franchises in that part of the United Kingdom called England, not being empowered by charter or otherwise to hear and determine felonies at the General Sessions of the Peace held in and for such boroughs and franchises, are by law required to send for trial at the General Assizes for the county wherein such borough or franchise may be situated every person charged with felony, whereby the administration of justice is injuriously delayed, and the expenses to which the county in such cases is liable are grievously increased:—

It is therefore Enacted,

I. That from and after the passing of this Act the Justices of the Peace, and any such Justice acting in and for any borough or franchise in that part of the United Kingdom called England, not being empowered by charter or otherwise to hear and determine felonies, shall and may commit every person charged with any such felony as the Court of Quarter Sessions may have jurisdiction to try, to be tried at the General Quarter Sessions of the Peace for the county, riding, or division wherein such borough or franchise shall be situate, or at any adjournment thereof; and the Justices of the Peace acting in and for such county, riding, or division are hereby empowered to try persons so committed at the General Quarter Sessions of the Peace held for such county, riding, or division, or at any adjournment thereof.

And after reciting that the Justices of the Peace acting in and for certain boroughs and franchises in that part of the said United Kingdom called England have jurisdiction at the General Sessions of the Peace held in and for such borough or franchise to hear and determine divers felonies, and it is expedient that any such Justice or Justices should have power in certain cases to commit for trial, at the General Quarter Sessions of the Peace for the county, riding, division, or shire in which such borough or franchise may be situate, any person charged with felony which the said Justices are not authorized or empowered to hear and determine at the General Sessions of the Peace held in and for such borough or franchise:—

It is Enacted,

II. That from and after the passing of this Act it shall and may be lawful to and for a Justice or Justices of the Peace acting in any of the said last-mentioned boroughs or franchises to commit to the gaol of the county, riding, division, or shire in which such borough or franchise may be situate, to be tried at the General Quarter Sessions of the Peace in and for such county, riding, division, or shire, any person charged with a felony which the said Court of Quarter Sessions may have jurisdiction to try, and to the trial of which the jurisdiction of the Justices of such borough or franchise at the General Sessions of the Peace in and for such borough or franchise does not extend; and the Justices of the Peace acting in and for such last-mentioned county, riding, division, or shire are hereby authorized and empowered to try any such person so committed as last aforesaid at the General Quarter Sessions of the Peace held in and for such county, riding, division, or shire.

III. That in all such towns or franchises which have a Recorder and a prison fit for the confinement of prisoners the magistrates of such town or franchise shall commit to the prison of such town all persons charged with having committed within such town or franchise any felony or misdemeanor which might if the same had been committed out of such town or franchise and within the body of any county have been tried by the Justices of Quarter Sessions of such county; and the Court of Quarter Sessions of such town or franchise shall have the same authority to inquire of, hear, determine, and punish any persons charged with such felonies or misdemeanors as the Courts of Quarter Sessions of counties have; which Quarter Sessions the Justices for such town or franchise are hereby required to hold.

CAP. XXVIII.

AN ACT to amend the Laws relative to Marriages celebrated by Roman Catholic Priests and Ministers not of the Established Church, in *Scotland*.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. So much of recited Acts as prohibits marriages by Roman Catholic priests in *Scotland* repealed.
2. Persons in *Scotland* may be married by priests not of Established Church.
3. Recited Acts to remain in force.
4. Act may be altered this session.

By this Act,

After reciting that an Act was passed in the Parliament of *Scotland* in the first session of the first Parliament of King Charles the Second, intituled, 'Act against clandestine and unlawful Marriages;' and another Act was passed in the Seventh Session of the said First Parliament of King William, intituled, 'Act against clandestine and irregular Marriages:' and that by the said recited Acts, or one or other of them, Roman Catholic Priests, and other ministers not of the Established Church of *Scotland*, celebrating marriages, and persons married by such clergymen, in *Scotland*, are rendered liable to certain punishments, pains, and penalties: and that it is expedient that the said Acts should be altered and amended:—

It is Enacted,

I. That from and after the passing of this Act, so much of the said recited Acts as prohibits the celebration of marriages in *Scotland* by Roman Catholic priests or other ministers not belonging to the Established Church of *Scotland*, or imposes any fine, pain, or penalty on persons so married, or on the priests or ministers celebrating such marriages or marrying such persons, shall be and it is hereby repealed.

II. That it shall be lawful to all persons in *Scotland*, after due proclamation of banns there, to be married by priests or ministers not of the Established Church, and also for such priests or ministers to celebrate marriages without being subject to any punishment, pains, or penalty whatever; anything in the said recited Acts, or in any other Act or Acts of Parliament, to the contrary notwithstanding.

III. That the said recited Acts shall, excepting in so far as the same have already been or are hereby repealed or altered, remain in full force, authority, and effect.

IV. That this Act may be amended, varied, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. XXIX.—(IRELAND.)

AN ACT for facilitating the Loan of Money upon Landed Securities in *Ireland*.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Power to lend money on real securities in *Ireland* the same as in *England*, &c.
2. Provision for loans where minors, &c. are interested.
3. Loans by trustees, or public bodies.
4. Consent of persons interested to be had.
5. To what cases Act not to extend.
6. Act not to relieve persons intrusted with trust or power from responsibility as to title, &c.

By this Act,

After reciting that in last wills and other testamentary dispositions, and in marriage and other settlements of real and personal property, and in other deeds, agreements, or writings, a direction, trust, or power is often given, created, or reserved to lay out or invest money at interest on real securities, in England, Wales, or Great Britain, or to sell and convert into money real or leasehold estates, or government or parliamentary securities, or securities of foreign states, or other property, and to lay out or invest the money arising from such sale and conversion on real securities: And that from the abundance of capital in Great Britain the interest of money is very much reduced, and the interest to be procured on money in Ireland is much higher than the interest to be procured on money in Great Britain: and that manifest improvement has taken place in the condition and security of landed property in Ireland, which it is desirable to encourage and advance: and that it would be highly beneficial to both Great Britain and Ireland if the loan of money on landed securities in Ireland was facilitated:—

It is Enacted,

I. That from and after the passing of this Act it shall be lawful for any person or persons who, under or by virtue of any direction, trust, or power already given, created, or reserved, or hereafter to be given, created, or reserved as aforesaid, is or are or shall be authorized or directed, to lend money at interest on real securities, in England, Wales, or Great Britain, to lend the same or any part thereof at interest on real securities in Ireland in the same manner in all respects as if such investment had been expressly authorized in or by such direction, trust, or power as aforesaid; and such person or persons shall not, on account of his or their so lending money on real securities in Ireland, be considered in a court of equity guilty of any breach of trust, or held accountable further or otherwise than if the money had been laid out by him or them on real securities in England, Wales, or Great Britain.

II. Provided, That all loans of money on real securities in Ireland under this Act in which any minor or unborn child or person of unsound mind is or may be interested shall be made by the direction and under the authority of the Court of Chancery or Exchequer in England, such direction or authority being obtained in any cause upon petition in a summary way.

III. That in all cases of trustees or public bodies lending money on real securities in Ireland under the authority of this Act, it shall be lawful for any court of equity in England to make all such orders and decrees for enforcing payment of the principal and interest thereby secured, or any part thereof, as if the said lands and hereditaments were situate in England or Wales; and it shall be lawful for the party or parties obtaining such orders or decrees to cause a copy of such orders or decrees, under the seal of the Court by which the same shall have been made, to be exemplified, and certified to the Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal of Ireland for the time being, or to the Barons of His Majesty's Court of Exchequer in Ireland, whereon the said Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the said Great Seal of Ireland, or the said Barons of the said Court of Exchequer in Ireland, shall forthwith cause such copy of such order or decree, when it shall be presented to them respectively so exemplified, to be enrolled, either in the Rolls of the Court of Chancery or in the said Court of Exchequer, as the case may be, and shall cause all such process to issue against the said lands and hereditaments comprised in the said securities, and the party or parties against whom such decrees or orders shall be obtained, and his, her, or their real and personal estate, goods, chattels, and effects, in Ireland, in order to enforce obedience to and performance of the same, in such manner and form, and with such force and effect, as if the cause wherein such order or decree shall have been made had been originally cognizable by and instituted in the said Courts of Chancery or Exchequer in Ireland; and it shall be lawful for the said Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal in Ireland, or the said Barons of the said Court of Exchequer in Ireland, to make such order or orders in respect of or consequent upon such process against the party or parties, or in respect of the said lands, or the real and personal estate, goods, chattels, or effects of the said party or parties, as he or they shall from time to time think fit, or for payment of all or any of the monies levied or received by virtue thereof into the Bank of Ireland, with the privity of the Accountant General of the said Courts of Chancery and Exchequer in Ireland respectively, to the credit or for the benefit of the party or parties who shall have obtained such order or decree, or to the credit of the cause in which such order or decree shall have been made; and the Governor and Company of the Bank of Ireland are hereby authorized and required to receive and hold all such monies, subject to the orders of the said Court of Chancery in Ireland: Provided always, that no such monies shall be charged with or subject to poundage for the usher of the said Court of Chancery in Ireland, or otherwise, where the same shall be paid out by order of the said last-mentioned Court; and provided always, that no security for costs shall be required to be given in Ireland by any party or parties enforcing in manner aforesaid the execution of such orders or decrees of any court of equity in England as herein-before mentioned.

IV. Provided, That every such loan shall be made with the consent of the person or persons, if any, whose consent may be required as to the investment of such money upon real securities in England, Wales, or Great Britain, testified in the manner required by such direction, trust, or power.

V. Provided, That the provisions of this Act shall not apply to any case in which such direction, trust, or power as aforesaid doth or shall or may contain any express restriction against the investment of such money as aforesaid on securities in Ireland.

VI. Provided, That nothing contained in this Act shall relieve or be construed to relieve any person or persons intrusted or clothed with such direction, trust, or power as aforesaid from any responsibility as to title, security, or otherwise, either at law or in equity, save that having lent and advanced such money as aforesaid on real securities in Ireland instead of having invested such money on real securities in England, Wales, or Great Britain.

CAP. XXX.

AN ACT to facilitate the Exchange of Lands lying in Common Fields.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Proprietors of lands in common fields may exchange the same.
2. All persons enabled to give land in exchange for such common field land.
3. Land given in exchange by persons having limited interests to be of equal value with lands taken.
4. If exchange made by any person having only a limited interest, or being under disability, the consent of the person next in remainder to be obtained.—In case the person next in remainder should be an infant, &c.
5. Consent of patron and bishop necessary for exchange of land held in right of a church.
6. Draft deed of exchange to be signed or sealed by ecclesiastical person or corporation consenting.
7. Exchange to be made in the form given in the Schedule.
8. In case of copyholds, the deed of exchange to be entered on the Court Rolls.
9. Fees to stewards.
10. In case of church lands, deed to be entered in the proper ecclesiastical registry.
11. Office copies of instruments deposited in registry to be evidence.
12. Draft of intended exchange to be deposited with the Clerk of the Peace, and notice thereof inserted in some newspaper circulating in the county.—Provido as to certain corporations.
13. Persons having any objections to deposit them with the Clerk of the Peace within a certain time.
14. Fees to be taken by Clerks of the Peace.
15. Clerk of the Peace to cause the draft deed, &c. to be laid before a Judge of Assize, who shall appoint a barrister to consider the same.
16. Barrister may summon witnesses. False swearing perjury.
17. Barrister to examine witnesses, and determine objections.
18. After inquiry the barrister to certify as the case may be.
19. In case of an exchange in which there shall be a difference in value of not more than one-fifth.
20. Certificates, with draft deed, &c. to be laid before the Judge, who shall make order thereupon.—Judge may institute further inquiry.
21. Costs and charges of proceedings.
22. Remuneration to barrister.
23. Application of money paid for equality of exchange when party entitled to same under disability.
24. Lands given in exchange to be exonerated from the uses affecting them at the time, and to become subject to such uses as affected the lands taken.
25. After exchange party not to be evicted.
26. General saving.
27. Meaning of words in the Act.
28. To extend to England and Wales.
29. Act may be altered this Session.

By this Act,

After reciting that it is expedient to facilitate the exchange of pieces of land lying intermixed and dispersed in common fields, meadows, or pastures, for other pieces of land, either lying therein, or being part of the inclosed lands in the same or any adjoining parish:—

It is Enacted,

i. That from and after the passing of this Act it shall be lawful for any person who shall be seised or possessed of or entitled in possession to any land in any common field, as tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the curtesy of England, or for any other estate of freehold, or for years determinable on any life or lives, or for any term of years whereof 100 years shall be unexpired, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who at the time of making any exchange authorized by this Act shall be an infant, idiot, lunatic, or feme covert, or under any other disability, by such deed and with such consent as hereinafter mentioned to grant and convey such land or any part thereof to any other person in lieu of and in exchange for any other land, whether lying in the same or any other common field, or for any inclosed land lying within the same or any adjoining parish, and to accept and take from such other person any land in lieu of and in exchange for the land in such common field.

ii. That it shall be lawful for any person who shall be seised or possessed of or entitled in possession to any land which it may be desirable to exchange for the land in such common field, whether such person shall be tenant in fee simple, or in fee tail, general or special, or for life or lives, or by the curtesy of England, or for any other estate of freehold, or for years determinable on any life or lives, or for any term of years whereof 100 years shall be unexpired, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who shall be an infant, idiot, lunatic, or feme covert, or under any other disability, to consent and agree to such exchange, and to grant and convey such land to the person proposing to make such exchange in lieu of and in exchange for the land lying in such common field, subject to the provisions hereinafter contained.

III. Provided, That when any such exchange shall be made by any person having a less estate or interest than in fee simple in the land to be by him granted or conveyed in exchange, or shall be made by any person under any disability, the land to be so taken in exchange shall at the time of making such exchange be, or shall by the payment of a sufficient sum for equality of exchange be made, of equal value with or not of less value than the land to be granted or conveyed in exchange.

IV. That whenever any exchange shall be proposed to be made under the authority of this Act, and either of the parties thereto shall have a less estate or interest in the land to be by him granted or conveyed in exchange than a fee simple, or shall be under any disability, such exchange shall not be completed unless the person to whom the next immediate vested estate of freehold in remainder or reversion shall have been limited (provided such person shall be of the full age of twenty-one years, and being a female shall be unmarried,) shall consent thereto, and shall testify such consent by signing the draft deed of exchange hereinafter mentioned, and such consent shall be sufficient for the purposes of authorizing such exchange notwithstanding the person giving the same may have an equitable estate only in the land intended to be conveyed in exchange, or may have previously disposed of or charged or incumbered his reversionary estate therein: Provided always, that if the person to whom such next immediate vested estate in remainder or reversion may have been limited shall at the time of such exchange happen to be an infant or feme covert, or an idiot or lunatic, then and in such case it shall be lawful for the guardian or husband or committee of such infant, feme covert, idiot, or lunatic (such guardian, husband, or committee not being himself the person by whom the exchange is proposed to be made) to consent to such exchange, and to sign the draft deed of exchange in his or her stead; Provided further, that whenever the guardian or husband or committee of such infant, feme covert, idiot, or lunatic shall himself be the person by whom such exchange is proposed to be made, then and in such case it shall be lawful for the Court of Chancery, upon petition, to be preferred to the said Court in a summary way, to appoint a person to act as protector to such infant, feme covert, idiot, or lunatic for the purposes of this Act, and, if he shall think fit so to do, to consent to such exchange, and to sign the draft deed of exchange in the stead of such infant, feme covert, idiot, or lunatic, or of his or her guardian, husband, or committee.

V. Provided, That no exchange shall be made of any land held in right of any benefice, without the consent of the patron thereof, and of the archbishop or bishop to whose ordinary or peculiar jurisdiction the said benefice may be subject, such consent to be signified by the patron and archbishop or bishop respectively signing the draft deed of exchange hereinafter mentioned; and such consent, when so given and signified, shall be a sufficient authority for such exchange, any law or statute to the contrary notwithstanding: Provided always, that if the patronage of such benefice shall happen to be in the Crown, and the benefice shall exceed the yearly value of 20*l.* in the King's books, it shall be lawful for the Lord High Treasurer, or the First Lord Commissioner of the Treasury for the time being, but if it shall not exceed the yearly value of 20*l.* in the King's books, then for the Lord High Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the time being, to consent to such exchange and to sign the draft deed of exchange on behalf of the Crown, and if the patronage of such benefice shall happen to be in the Crown in right of the duchy of Lancaster it shall be lawful for the Chancellor for the time being of the said duchy to consent to such exchange and to sign the draft deed of exchange on behalf of the Crown; and if the patronage of such benefice shall be part of the possessions of the duchy of Cornwall it shall be lawful for the Duke of Cornwall for the time being, if of full age, but if not of full age, or in case such benefice shall be within the patronage of the Crown in right of the duchy of Cornwall, then for the same person who is hereinbefore authorized to consent on behalf of the Crown in respect of a benefice in the patronage of the Crown to consent to such exchange and to sign the draft deed of exchange on behalf either of the Duke of Cornwall, or, as the case may be, on behalf of the Crown in right of the duchy of Cornwall; and if the patron of such benefice shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of such patron to consent to such exchange and to sign the draft deed of exchange in the stead of such patron, and on his or her behalf.

VI. Provided, That no exchange shall be made under the authority of this Act by any bishop, dean, or other head of a chapter, archdeacon, prebendary, or other ecclesiastical corporation sole, unless, in the case of a bishop, with the consent of the archbishop of the province, to be signified by such archbishop signing the draft deed of exchange hereinafter mentioned, or unless, in the case of a dean or other head of a chapter, with the consent of the chapter, to be signified by their affixing their common seal to the said draft deed of exchange, or unless, in the case of an archdeacon, prebendary, or other ecclesiastical corporation sole, with the consent of the archbishop or bishop of the diocese, to be signified by such archbishop or bishop signing the said draft deed of exchange.

VII. That every exchange under the authority of this Act shall be made according to the form in the Schedule to this Act annexed, or as near thereto as the number of parties and the circumstances of the case will admit, and shall, when executed by the respective parties, be valid and effectual in the law to all intents and purposes, without livery of seisin made or taken, or any other act done, by any person or party to perfect or complete the same.

VIII. Provided, That whenever any land held by copy of court roll shall be exchanged under the authority of this Act, the deed of exchange, when executed by the respective parties, shall be produced to the lord of the manor of which the land may be parcel, or to his steward, or to the deputy of such steward, who shall cause the same to be entered on the court rolls of the manor.

IX. That the fees and charges to be demanded by and paid to any steward of a manor for entering on the court rolls of such manor any deed of exchange or other instrument required by this Act to be entered thereon shall not exceed the sum of 6*s.* for every law folio of seventy-two words contained in such deed or other instrument.

X. That whenever any exchange shall be made under the authority of this Act by any archbishop, bishop, dean or other head of a chapter, dean or other head of a chapter and chapter, archdeacon, prebendary, or other ecclesiastical corporation, or by the incumbent of any benefice, the deed of exchange, when executed by the respective parties, shall, in the case of the exchange being made by an archbishop or bishop, be entered in his own registry, and in the case of the exchange being made by a dean or other head of a chapter, or by a dean or other head of a chapter and chapter, be entered in the registry of such

chapter, and in the case of the exchange being made by an archdeacon, prebendary, or other ecclesiastical corporation, or by the incumbent of a benefice, be entered in the registry of the bishop of the diocese.

XI. That an office copy of any deed of exchange or other instrument which under the provisions of this Act shall be entered on any such registry as aforesaid (such office copy being certified by the registrar or his deputy) shall be allowed as evidence thereof in all courts and places, and every person shall be entitled to require any such office copy, and shall also be allowed at all usual and proper times to search for and inspect any deed of exchange or other instrument which shall be so entered; and the registrar shall be entitled to charge for the entry of every such deed of exchange or other instrument after the rate of 6d. for every law folio of seventy-two words contained therein, and the sum of 1s., and no more, for allowing any such search or inspection as aforesaid, and after the rate of 6d. for every law folio of seventy-two words in any office copy to be made and certified as aforesaid.

XII. That before any exchange shall be made under the authority of this Act a draft of the intended deed of exchange, containing a correct description of the several lands proposed to be exchanged, and signed by the respective parties, and also by the several persons whose consent to such exchange is hereinbefore required to be given, and accompanied by an estimate of the value, as well of the land proposed to be given as of the land proposed to be taken in exchange, and whenever the exchange shall be proposed to be made by or with any person under disability, then accompanied also by a copy of the several limitations contained in the deed or will under which such person may be entitled, shall be deposited with the Clerk of the Peace of the county in which the greater part of the land may be situated; and a notice of such draft and estimate having been so deposited (such notice containing a description of the land intended to be exchanged) shall be published in some newspaper usually circulated in the county wherein such land is situated at three several times in three successive months after such draft and estimate shall have been so deposited: Provided always, that whenever a corporation aggregate shall be one of the parties to such proposed exchange, or the consent of a corporation aggregate shall be necessary thereto, the affixing of the common seal of such corporation to such draft deed of exchange shall be deemed a sufficient compliance with the provisions of this Act.

XIII. That if any person claiming to have an interest in the land proposed to be exchanged shall object to such exchange, it shall be lawful for him to state such objection in writing, and to deposit the same with the Clerk of the Peace at any time not less than fourteen days before the holding of the assizes at which such proposed exchange shall be taken into consideration as hereinafter mentioned; and such draft deed of exchange, and estimate, and copy of limitations, and the said statement of objection, shall be open to the inspection of any person.

XIV. That the Justices of the Peace for the several counties, ridings, divisions, cities, towns, liberties, and precincts within England and Wales, shall in the manner directed by an Act, 57 Geo. 3, intitled, 'An Act to enable Justices of the Peace to settle the Fees to be taken by the Clerks of the Peace of the respective Counties and other Divisions of England and Wales,' ascertain, make, and settle a table of fees and allowances to be taken by the Clerks of the Peace for such counties, ridings, divisions, cities, towns, liberties, and precincts, for their trouble in the execution of the duties imposed upon them by this Act, and such fees shall be subject to alteration and regulation in the manner by the said Act directed.

XV. That the Clerk of the Peace shall cause the said draft deed of exchange, estimate, and statement of objection (if any), and all other papers relating thereto, to be laid before the senior Judge of Nisi Prius at the assizes to be holden next after the expiration of three months from the time of the deposit of such draft deed of exchange with the Clerk of the Peace as aforesaid; and such Judge shall appoint a barrister, of not less than five years standing, for taking into consideration the said draft deed and statement, who shall forthwith appoint a time for that purpose.

XVI. That such barrister shall be empowered to summon and to compel the attendance of witnesses, and to administer an oath; and that any person wilfully swearing falsely before such barrister shall be liable to all the penalties of wilful perjury.

XVII. That such barrister shall satisfy himself, by the production of deeds, the examination of witnesses, or by such other evidence as he shall think fit to require, of the value of the lands proposed to be exchanged, and that the person proposing to make such exchange is not under any disability, or if he is that the person stated to have the next immediate vested estate of freehold in reversion or remainder has such estate, and that the notices and the consents required by this Act have been duly given; and such barrister shall hear and determine all objections (if any) which may have been made by any person claiming to have an interest in the land proposed to be exchanged.

XVIII. That after such inquiry shall have been had before such barrister he shall grant a certificate under his hand, in which he shall state that the parties proposing to make such exchange are not under any disability, or if they are, or either of them is under disability, that the persons or person having the next immediate vested estate of freehold in remainder or reversion have concurred therein, that the persons whose consents are required under this Act have consented to the exchange, and that the equality and fairness of the proposed exchange have been proved, or otherwise, as the case may be; and he shall suggest in such certificate such alterations as to him may seem expedient for the better protecting the rights of parties having an interest in the lands proposed to be exchanged.

XIX. That in any case of an exchange to be made under this Act in which there shall be a difference of not more than one fifth in the value of the lands proposed to be exchanged, it shall be lawful for the said barrister to allow or insert a provision in such exchange for the payment in money of such difference in value: Provided always, that no exchange shall be made under the authority of this Act in which there shall be a difference of more than one fifth part in the value of the lands proposed to be exchanged.

XX. That the said certificate, together with the said draft deed of exchange, and estimate, and such statement of objections, if any, and all other papers relating thereto, shall be laid before the said Judge of assize, who shall thereupon make such order therein, either for confirming the said exchange, or for annulling the same, or for altering the same, as to him may seem expedient; and the said draft deed of exchange when so confirmed or altered by the said order shall be immediately engrossed and

executed by the necessary parties, and shall, when so executed, be binding upon the owners and proprietors of the pieces of land so exchanged, and all other parties interested therein: Provided always, that before making such final order it shall be lawful for such Judge to institute or cause to be instituted such further inquiry, by the means aforesaid, into the several matters relating to any such agreement, as he may think necessary.

XXI. Provided, That such barrister shall further certify to the said Judge by whom and in what proportions the costs and charges of such proceedings relative to such agreement ought to be borne, and thereupon the said Judge shall make such order for payment of such costs and charges as he may think right: Provided always, that in the case of any disagreement respecting the amount of such costs, such costs shall be taxed by the Master or Secondary of the Court of King's Bench.

XXII. That every barrister before whom any inquiry shall be had under the authority of this Act shall be entitled to be paid at the rate of 5*l.* 5*s.* for every day that he shall be employed in making such inquiry, over and above his travelling and all other expenses; and every such barrister shall after the termination of such inquiry transmit a statement of the number of days during which he shall have been so employed, and an account of the travelling and all other expenses incurred by him in respect of such employment, to the Judge by whom he shall have been appointed, or, in case of the death or illness or retirement of such Judge, to any other Judge of the superior courts of record at Westminster, who shall examine and allow the same, or as much or such parts thereof as he shall see fit; and the same when so allowed shall be paid in the same manner as the other costs and charges incident to such exchange are hereinbefore directed to be paid: Provided always, that if more than one case of exchange shall be referred to the same barrister, the remuneration to such barrister shall not be cumulative, but shall be considered as fixed for the day and not for the case.

XXIII. That in case any money shall be directed to be paid by either party to the other of them for equality of exchange, and the party to whom such money shall be directed to be paid shall (in case it shall exceed the sum of 20*l.*) be paid with all convenient speed into the Bank of England in the name and with the privy of the Accountant General of the Court of Chancery, to be placed to his account there *ex parte* the person entitled to the rents and profits of the land for or in respect of which such money shall be payable, to the intent that such money shall be applied, under the direction of the Court, to be signified by an order made in a summary way upon a petition to be preferred by or on behalf of the person who would have been entitled to the rents and profits of the said land, either in the purchase or redemption of the land tax, or in discharging any debt or incumbrance affecting the said land, or affecting any other lands standing settled therewith to the same or the like uses, or in the purchase of other lands, which shall be conveyed to the same or the like uses, or such of them as shall be then subsisting and capable of taking effect: and in the meantime, and until such purchase shall be made, the said money shall, by order of the said Court, upon application thereto, be invested by the said Accountant General in his name in some of the public funds, and the dividends thereof shall from time to time be paid to the person who would have been entitled to the rents of the land so to be purchased and settled; but in case such money shall not exceed the sum of 20*l.*, then the same shall be paid to the person entitled to the rents and profits of the land for or in respect of which the same may be payable, or in case of infancy, lunacy, idiotcy, or coverture, to his or her guardian, committee, or husband, as the case may be.

XXIV. That from and immediately after such deed of exchange as hereinbefore is mentioned shall have been duly executed by the necessary parties, the land which by such deed is given in exchange shall be exonerated and discharged from the uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances, as affected the land taken in exchange at the same date; and the land so taken in exchange shall be exonerated and discharged from all uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances, then affecting the same, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations and restrictions, charges and incumbrances as affected the lands given in exchange at the same time.

XXV. That no person to whom any land shall have been granted or conveyed in exchange according to the provisions of this Act shall at any time thereafter be evicted from the peaceable and quiet possession of such land by reason or in consequence of any person claiming right thereto through any title prior to that of, or through any defect of title in, the person by whom such land may have been granted or conveyed; but nevertheless it shall be lawful for the person claiming such right, and he is hereby authorized and empowered, to use, exercise, and enjoy all such and the same powers and remedies in trying his right to and in obtaining and recovering possession of the land which shall have been granted or conveyed in exchange as the person so claiming would in case this Act had not been made have been enabled to use, exercise, or enjoy in trying the right to and recovering the possession of the land in exchange for which the same shall have been so granted or conveyed under the authority of this Act.

XXVI. Saving always to the King, his heirs and successors, and to all and every other person, bodies politic, corporate, and collegiate, his and their heirs, successors, executors, and administrators, (other than and except the several owners and proprietors of the said exchanged lands, and the several persons and parties who shall have consented to such exchange, and all other persons claiming under them, or under the same will or deed or other conveyance as the said owners and proprietors, any right, title, estate, or interest to or in the said exchanged lands,) all such estate, right, title, interest, claim, and demand whatsoever as they, every or any of them, had before the making and confirming of any such exchange, or could or might have had or enjoyed in case such exchange had not been made.

XXVII. That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in the construction of this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "Person" shall extend as well to an individual as to a body politic, corporate, or collegiate, and to a corporation as well aggregate as sole, whether such corporation be eleemosynary or civil, ecclesiastical or lay; the word "Benefice" shall extend to and be taken to comprehend rectories, vicarages, donatives, perpetual curacies, parochial and consolidated chapelries, district parishes and district chapelries, and churches and chapels having a district assigned thereto; the word "Land" shall extend to every species of land, whether arable,

meadow, or pasture, and whether freehold, copyhold, or customary, or held by any other tenure, and as well to one piece or parcel as to any number of pieces or parcels of land; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

XVIII. That this Act shall extend only to that part of the United Kingdom called England and Wales.

XIX. That this Act or any of the provisions thereof may be altered or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE to which this Act refers.

This Indenture, made the _____ day of _____ in the year _____ between A. B. of _____ of the one part, and C. D. of _____ of the other part, witnesseth, that in pursuance and under the authority of an Act passed in the _____ year of the reign of His Majesty King William the Fourth, intituled [*here set forth the Title of this Act*], the said A. B. doth grant and convey all the land comprised in the First Schedule hereunder written, marked with the Letter A, unto the said C. D., in lieu of and in exchange for the land comprised in the Second Schedule hereunder written, marked with the Letter B., to the end and intent that the land comprised in the First Schedule may be held and enjoyed by the said C. D. and the person or persons who for the time being shall be entitled thereto, and be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the land comprised in the Second Schedule now is or may be subject or liable to: And this indenture further witnesseth, that in pursuance of the said Act the said C. D. doth grant and convey all the land comprised in the Second Schedule hereunder written, marked with the Letter B, unto the said A. B., in lieu of and in exchange for the land comprised in the First Schedule hereunder written, marked with the Letter A, to the end and intent that the land comprised in the Second Schedule may be held and enjoyed by the said A. B. and the person or persons who for the time being shall be entitled thereto, and be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the land comprised in the First Schedule now is or may be subject or liable to. In witness, &c.

Schedule A. containing the Land conveyed by A. B. to C. D.

Schedule B. containing the Land conveyed by C. D. to A. B.

Witness

E. F.
G. H.

A. B. (L.s.)
C. D. (L.s.)

CAP. XXXI.

AN ACT for transferring certain Annuities of Four Pounds per Centum per Annum into Annuities of Three Pounds and Ten Shillings per Centum per Annum, and for providing for paying off the Persons who may dissent to such Transfer.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Every person entitled to 100l. 4l. per cent. annuities and not dissenting, shall receive 100l. new 3l. 10s. per cent. annuities.—Dividends to be paid half-yearly.—New 3l. 10s. stock to be redeemable after 5th of January 1840.
2. Interest to be charged on Consolidated Fund.
3. Persons not dissenting from receiving the new 3l. 10s. per cent. annuities shall be deemed assenting.—Time limited for dissenting.
4. Persons dissenting shall signify the same to the Governor and Company of the Bank of England.—Paying off dissentients.
5. Dissents by the Accountant General of the Court of Chancery and Accountant General of the Court of Exchequer.—Indemnity for Accountants General.
6. Executors, trustees, &c. may dissent.—Indemnity for such executors.
7. Four per cent. annuities, where dissent signified, transferrable in books as such.
8. Payments of dividends on such 4l. per cents.—Time of paying them off.—Transfers of them between the Banks of England and Ireland after 7th of May 1834 void.
9. Banks to be opened at the Bank of England for receiving the entry of the new 3l. 10s. per cent. annuities.
10. Bank of England shall employ their Cashier and Accountant General.
11. Accountant General shall examine receipts and payments.
12. The several annuities under this Act shall be added to the existing new 3l. 10s. per cent. annuities.
13. Annuities to be personal estate.
14. Powers of attorney for receipt of dividends on 4l. per cents. shall remain in force for receipt of new 3l. 10s. per cents.
15. Certificates of amount of stock exchanged or paid off, &c. shall be sent to Commissioners for Reduction of the National Debt.

16. Bonds and contracts to transfer 4l. per cents. to be deemed satisfied by a transfer of the new 3l. 10s. per cents.
17. Lenders of 4l. per cents. on contract to replace may demand 100l. in money for every 100l. in stock.
18. Trusts as to 4l. per cents. shall extend to 3l. 10s. per cents.; and directions to the application of 4l. per cents. shall be carried into effect by the application of the 3l. 10s. per cents.
19. Questions as to trusts in the 4l. per cents. may be decided by the Courts of Chancery or Exchequer, or the Court of Session.
20. Indemnifying the Bank of England for Acts done by their officers under this Act.
21. Commissioners for the Reduction of the National Debt may advance money for paying off dissented 4l. per cents.—Dissented 4l. per cents. to be vested in Commissioners for the Reduction of the National Debt from 10th October 1834, who shall then be entitled to like amount of 3l. 10s. per cents.
22. Act may be altered this session.

By this Act,

After noticing that the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into their serious consideration the present state of the National Debt, and being desirous of lessening the charge thereof, have resolved, that all and every person and persons, bodies politic and corporate, who now is or are or hereafter may be interested in or entitled unto any part of the National Debt redeemable by law which now carries an interest after the rate of 4l. per cent. per annum, and is usually known by the name of the "Four per Cent. Annuities 1826," created by an Act passed 7 Geo. 4. c. 9, intituled, 'An Act for funding Eight Millions of Exchequer Bills,' and by another Act passed 10 Geo. 4. c. 31, intituled, 'An Act for funding Three Millions of Exchequer Bills,' and which are payable at the Bank of England, and who shall not signify his, her, or their dissent in the manner hereinafter mentioned, shall, in lieu of every 100l. of such 4l. per cent. annuities, receive and be entitled to the sum of 100l. of 3l. 10s. per cent. annuities, and to carry interest after the rate of 3l. 10s. per cent. per annum, and so in proportion for any greater or less amount than 100l. of such 4l. per cent. annuities; and that the dividends of the said new 3l. 10s. per cent. annuities shall be payable half-yearly at the Bank of England; and that the said new 3l. 10s. per cent. annuities shall not be liable to be paid off until after the 5th of January 1840:—

It is Enacted,

I. That all and every person and persons, bodies politic or corporate, who now is or are or hereafter may be interested in or entitled unto any part of the National Debt redeemable by law which now carries an interest after the rate of 4l. per cent. per annum, and is usually known by the name of "Four per Cent. Annuities 1826," payable at the Bank of England, and who shall not signify his, her, or their dissent in manner hereinafter mentioned, shall, in lieu of every 100l. of such 4l. per cent. annuities, respectively receive and be entitled to the sum of 100l. in "The New 3l. 10s. per Cent. Annuities," and to carry an interest after the rate of 3l. 10s. per cent. per annum, and so in proportion for any greater or less amount than 100l. of such 4l. per cent. annuities respectively; and that the dividends thereof shall be payable half-yearly, at the Bank of England, upon the 5th of January and the 5th of July in each and every year; and the first dividend, namely, one quarter of a year's dividend, on the said new 3l. 10s. per cent. annuities shall be payable at the Bank of England on the 5th of January 1835; and that the said new 3l. 10s. per cent. annuities shall be subject and liable to redemption at any time after the 5th of January 1840, and not before that period; and that the said new 3l. 10s. per cent. annuities shall be free from taxes, charges, and impositions, in the like manner as the said 4l. per centum annuities.

II. That the interest and dividends payable in respect of the said new 3l. 10s. per cent. annuities shall be charged and chargeable upon, and shall be issued and paid out of, the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same manner as the interest and dividends of the said 4l. per cent. annuities respectively now stand charged on the said Fund.

III. That all and every person and persons, bodies politic or corporate, who shall not, on or before the 28th of May 1834, signify his, her, or their dissent from accepting and receiving a share in the said new 3l. 10s. per cent. annuities, in lieu of his, her, or their respective shares in the said respective 4l. per cent. annuities, or for any part of such respective shares in such last-mentioned annuities, in the manner hereinafter directed, shall be deemed and taken to have consented to accept and receive the same: Provided always, That if any proprietor or proprietors of the said respective 4l. per cent. annuities shall not have been within the limits of the United Kingdom at any time between the 8th of May and the 28th of May 1834, both days inclusive, but shall have been in any other part of Europe, it shall be lawful for such proprietor or proprietors to signify such dissent at any time before the 6th of July 1834; and if any such proprietor or proprietors shall not, at any time between the 8th of May and the 5th of July 1834, both days inclusive, have been within any part of Europe, it shall be lawful for him, her, or them to signify such dissent at any time before the 1st of March 1835; such proprietor or proprietors proving to the satisfaction of the Governor and Directors of the Bank of England, or any two or more of them, his, her, or their absence from the United Kingdom, or out of Europe, as the case shall happen, and that his, her, or their share or shares of such 4l. per cent. annuities stood in his, her, or their name or names respectively, or in the name or names of any one or more trustees or trustees on his, her, or their behalf, on the 8th of May 1834, in the books of the Governor and Company of the Bank of England; and provided also, that such proprietor or proprietors so absent from the United Kingdom, or out of Europe, shall signify his, her, or their dissent within ten days after his, her, or their return to the United Kingdom.

IV. That all persons and bodies politic or corporate possessed of any part of the respective 4l. per cent. annuities, and who shall desire to signify such dissent as aforesaid, shall, on or before the 28th of May 1834, by themselves or some agent or agents for that purpose duly authorized, signify such dissent to the Governor and Company of the Bank of England, in writing under his, her, or their hand or hands or the hand or hands of his, her, or their agent or agents authorized as aforesaid, together with the amount of his, her, or their respective shares in the said 4l. per cent. annuities; and which said dissents shall be entered in a book or books to be opened and kept by the Governor and Company of the said Bank for that purpose, and shall be numbered in the order in which such dissents shall be received by such Governor and Company; and every such dissentient proprietor or proprietors, or his, her, or their assigns, or the executors or administrators of such assigns, under any such transfer, shall be paid off at such periods and in such manner as Parliament may direct.

v. That it shall be lawful for the Accountant General of the Court of Chancery, and also for the Accountant General of His Majesty's Court of Exchequer in England, at any time before the 4th of August 1834 (subject nevertheless to the provisions herein contained as to persons out of the United Kingdom so far as the same shall apply to suitors in the said Courts), to signify to the Governor and Company of the Bank of England, on behalf of any suitors or others interested in any such 4l. per cent. annuities standing in the names of such Accountants General respectively, their dissent under this Act in respect of any of such annuities; and general or special orders may be made in a summary way, either upon application by motion or petition of suitors or persons interested, or upon motion by His Majesty's Attorney General, or otherwise, by the said Courts respectively, in respect of any such annuities, either as to signifying or not signifying any such dissents, or as to any other matter or thing relating to any such annuities or the dividends thereof, or to any 3l. 10s. per cent. annuities which may be created in lieu thereof, or to the application of any such 3l. 10s. per cent. annuities or the dividends thereof; and no application, petition, or affidavit made by or on behalf of any suitor or other person interested in any of such annuities or the dividends thereof respectively, or order or report made or other proceeding had in either of the said Courts respectively in consequence of this Act, or which may arise out of any of the provisions of this Act, in relation to the said 4l. per cent. annuities respectively, or any part or abate or shares thereof, standing in the names of the said Accountant General of the said Courts respectively, or in relation to any 3l. 10s. per cent. annuities, which may be created under this Act, and hereafter stand in the names of the said Accountants General respectively, in lieu of the said 4l. per cent. annuities before standing in their names respectively, or the dividends of such respective annuities, nor any copy or copies of such application, petition, affidavit, order, report, or other proceeding, shall be subject or liable to be stamped, or charged or chargeable with any stamp duties whatever, anything in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General respectively shall be deemed and taken to have consented to accept and receive shares in the said 3l. 10s. per cent. annuities, in lieu of all such 4l. per cent. annuities standing in their names respectively, as to which no such dissent shall have been signified by them respectively as aforesaid; and the said Accountants General of the said Court of Chancery and Exchequer respectively shall be and are hereby fully indemnified against all actions, suits, or proceedings for or in respect of any act, matter, or thing done by them respectively in pursuance of or under any of the provisions of this Act, and also for and in respect of their respectively not signifying in any case such their dissent as aforesaid; and in case any action, suit, or other proceeding be commenced or instituted against the said Accountants General, or either of them, for or in respect of any such act, matter, or thing, or not signifying any dissent as aforesaid, it shall and may be lawful for the Court in which such action, suit, or proceeding shall be commenced or shall be pending, upon summary application, to stay, and such Court is hereby required to stay, such action, suit, or proceeding, and to make such order relative to the costs thereof, as such Court shall think expedient.

vi. That all executors, administrators, guardians, trustees, and all committees of the estates of idiots and lunatics, who, as such, shall have the controul over any shares of the said respective 4l. per cent. annuities, standing either in their own names or in the name or names of any testator or intestate, or of any infant or infants, or idiot or lunatic, may, if residing within the United Kingdom, signify such dissent as aforesaid to the Governor and Company of the Bank of England at any time before the 14th of June 1834; and if either of any two or more of any such executors, administrators, guardians, trustees, or committees shall reside out of the United Kingdom, the period within which such dissent may be signified shall be regulated by the residence of the most distant of such executors, administrators, guardians, trustees, or committees in each case; and all executors, administrators, guardians, trustees, and committees not signifying such dissent within the periods specified in this Act, according to such residence, shall be deemed and taken to have assented to accept and receive a share in the said new 3l. 10s. per cent. annuities, and they are hereby severally and respectively indemnified for not signifying such dissent under this Act.

vii. That the said 4l. per cent. annuities, in respect of which dissent shall have been or shall be signified under the provisions of this Act, shall be transferrable in the books of the Governor and Company of the Bank of England as dissented 4l. per cent. annuities in whole or in part, without reference to the period and order in which such dissent shall have been or shall be signified, until the said dissented 4l. per cent. annuities shall be paid off.

viii. That every person who shall be entitled to receive the dividends upon any such 4l. per cent. annuities transferrable at the Bank of England shall be paid and receive the dividend which will become due thereon on the 10th of October 1834; and the said 4l. per cent. annuities respectively shall be paid off or converted into 3l. 10s. per cent. annuities, as the case may require, from and after the said 10th of October 1834; and every transfer of any of the said annuities at the rate of 4l. per cent. per annum, which may have taken place to or from the books of the Governor and Company of the Bank of England from and to the books of the Governor and Company of the Bank of Ireland, at any time on and after the 7th of May 1834 shall be and the same is hereby declared to be null and void.

ix. That it shall and may be lawful for the Governor and Company of the Bank of England, at any time after the 10th of October 1834, to open books for writing up and receiving the entry into the said new 3l. 10s. per cent. annuities of any of the 4l. per cent. annuities before described, belonging to any proprietor or proprietors who may not have expressed his, her, or their dissent to receive such 3l. 10s. per cent. annuities, and who may be desirous of converting his, her, or their 4l. per cent. annuities, into the said annuities at the rate of 3l. 10s. per cent. per annum; but the dividend or dividends of the said 4l. per cent. annuities which would become due on the 10th of October 1834 at the Bank of England shall be paid and payable to the person or persons in whose name such 4l. per cent. annuities stood immediately before they were so converted into 3l. 10s. per cent. annuities; and the first dividend of such 3l. 10s. per cent. annuities, namely, one quarter of a year's dividend, shall become due and be payable on the 5th of January 1835.

For the more easy and sure payment of the annuities established by this Act—

It is Enacted,

x. That the Governor and Company of the Bank of England, and their successors, shall from time to time employ their chief or first Cashier or Cashiers and their Accountant General in the execution of this Act; and the monies from time to time necessary for the payment of the said 3l. 10s. per centum annuities shall, by order of the Commissioners of His Ma-

jefty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, or the Lord High Treasurer for the time being, without any further warrant, to be sued for, had, or obtained in that behalf, be issued and paid at the receipt of the Exchequer in England to the said first or chief Cashier or Cashiers of the said Governor and Company of the Bank of England, and their successors for the time being, by way of imprest, and upon account for the payment of the said annuities; and every such Cashier or Cashiers to whom the said monies shall from time to time be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the Exchequer in England.

XI. That the Accountant General for the time being of the Bank of England shall from time to time inspect and examine all receipts and payments of the Cashier or Cashiers of the said Bank, and the vouchers relating therunto, in order to prevent any fraud, negligence, or delay.

XII. That the said several annuities, after the rate of 3*l*. 10*s*. per cent. created by virtue of this Act, shall be added to and consolidated with the annuities carrying interest at the rate of 3*l*. 10*s*. per cent., existing at the time of the passing of this Act, commonly called the "New Three and a Half per Cent. Annuities," and shall be deemed, reputed, and taken to be one capital or joint stock; and that all and every person and persons, and bodies politic and corporate whatsoever, shall have and be deemed to have a proportional interest and share in such stock, and in the annuity attending the same respectively at the rate aforesaid; and that such capital or joint stock, or any share or interest therein, and the proportional annuity attending the same respectively, shall be assignable and transferrable as this Act directs, and not otherwise; and that there shall constantly be kept in the office of the Accountant General for the time being of the Bank of England a book or books, wherein all assignments or transfers of such capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rates aforesaid, shall be respectively entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or, if any such party or parties be absent, by his, her, or their attorney or attorneys, thereto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses, and that any person or persons to whom such transfer or transfers shall be made shall respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring any such stock, and the annuities attending the same or any part thereof, or any interest therein, shall be good and available in law; and that no stamp duties whatsoever shall be charged on the said transfers or any of them.

XIII. That all persons and corporations entitled to any such annuity or annuities of 3*l*. 10*s*. per cent. created by this Act, and their administrators, successors, and assigns respectively, and all persons and corporations lawfully claiming under them, shall have good, sure, absolute, and indefeasible estates and interests in the said annuities, according to the true tenor and meaning of this Act, and shall be possessed thereof as of a personal estate, devisable as such, and which shall not be descendible to heirs, nor liable to any foreign attachment by the custom of London or otherwise; any law, custom, or usage to the contrary notwithstanding; but no payment shall be made, nor any transfer allowed upon any devise, until such devise shall have been duly entered at the Bank of England, as the case may require.

XIV. That all powers of attorney which shall be in force at the time of passing this Act, and which would have remained in force if this Act had not passed, for the receipt of dividends, or for sale or transfer of any 4*l*. per cent. annuities, which shall under or by virtue of this Act be converted into the said new 3*l*. 10*s*. per cent. annuities, shall continue and remain in full force and effect for receiving the dividends which shall become due on the 3*l*. 10*s*. per cent. annuities created by this Act in lieu thereof, or for selling or transferring any such 3*l*. 10*s*. per cent. annuities, and also for receiving dividends on any further sum of such 3*l*. 10*s*. per cent. annuities which the parties by whom such letters of attorney were given may hereafter purchase or acquire, until such powers are revoked or otherwise determined.

XV. That so soon after the expiration of the respective periods allowed by this Act, for signifying any dissent under this Act, as the same can be done, certificates shall be from time to time made out and transmitted to the Commissioners for the reduction of the National Debt, by the proper officer or officers of the Bank of England, of the amount of 4*l*. per cent. annuities which shall have been exchanged into such new 3*l*. 10*s*. per cent. annuities or paid off under the provisions of this Act, and of the annual interest which shall have ceased thereby, and also of the capital amount of such new 3*l*. 10*s*. per cent. annuities created by such exchange, and of the annual interest thereon.

XVI. That in every case in which any person or persons shall at the time of the passing of this Act be or remain bound by the condition of any bond or obligation, or by the terms of any instrument in writing, or by any agreement or contract, to transfer any amount of capital stock in the said 4*l*. per cent. annuities, the condition of every such bond or obligation, or the terms of any such instrument in writing, or agreement or contract, shall be deemed in law and equity to be satisfied by making a transfer of an equal amount of capital stock in the new 3*l*. 10*s*. per cent. annuities; and that where any party is, by the condition of any such bond or obligation, or the terms of any such instrument in writing, or agreement or contract, bound or required to pay half-yearly sums equal to the dividends on any specified amount of any such 4*l*. per cent. annuities respectively, every such bond, obligation, instrument, agreement, or contract shall be satisfied by the payment of half-yearly sums equal to the dividends of or upon the same amount of the said 3*l*. 10*s*. per cent. annuities.

XVII. That in every case in which any such 4*l*. per cent. annuities respectively shall have been transferred in the way of loan upon any condition in any bond or instrument, or under or upon any agreement or contract for the repayment of such loan, by the replacing the amount of stock so transferred, it shall be lawful for the person or persons who shall have made any such loan, or their executors, administrators, or assigns, to declare an option, and give notice thereof in writing; and thereby require the repayment of 100*l*. of lawful money of Great Britain, for every 100*l*. capital stock of such 4*l*. per cent. annuities transferrable at the Bank of England, so transferred in the way of loan as aforesaid, and so in proportion for any greater or less amount; and every bond, obligation, instrument, agreement, or contract given, entered into, or made upon any such loan or contract shall be deemed in every such case, in law and in equity, to entitle the person or persons, his, her, or their executors, administrators, or assigns, to such repayment in money, and to demand and recover the same in any court in which any action, suit, process, or proceeding may be brought, instituted, or carried on upon any such bond, obligation, instrument,

agreement, or contract; anything in any such bond or obligation, instrument, agreement, or contract, to the contrary notwithstanding.

XVIII. That all trusts, whether created by will or otherwise, and which existed either in the whole or in part, and all directions contained in any will or devise or testamentary paper, which remain unexecuted at the time of the passing of this Act, as to any 4l. per cent. annuities which may under this Act be converted into 3l. 10s. per cent. annuities, or as to the payment or distribution of any dividends thereon, or as to the transfer of any such annuities, in any events specified in any such trusts or will or testamentary paper, shall extend, and be deemed and construed in all cases and in all courts of law and equity in the United Kingdom or elsewhere in any dominions or territories belonging to His Majesty to extend and apply to all such 3l. 10s. per cent. annuities created in lieu of any 4l. per cent. annuities subject to or affected by any such trusts or devises or wills or testamentary papers, for all purposes and in all cases in which such trusts or to which any such directions can be made applicable: Provided always, that in all cases in which any proportions or parts of any such 4l. per cent. annuities are required to be transferred under any such trusts, or under the provisions of or directions contained in any will, devise, or testamentary paper, or any proportion or part of any dividends arising from and out of any such 4l. per cent. annuities, are required to be paid or distributed, the transfer of a like amount of 3l. 10s. per cent. annuities, and the payment and distribution of the dividends at the rate of 3l. 10s. per cent., instead of 4l. per cent., upon the capital, shall be and be deemed and taken in all courts and for all purposes to be a due execution of such trusts, or of the directions contained in any will or testamentary paper, and shall fully discharge the trustee or executor or executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such execution of any such trusts and executorship as aforesaid.

XIX. That in every case in which any question may have arisen or may arise upon the execution of any trusts, or upon any distributions which may have been or may be made or may remain to be made, by any trustees, executors, or administrators of or in relation to or arising out of any such 4l. per cent. annuities, or of any parts or proportions of any such 4l. per cent. annuities which may have been vested in any trustees, or which may have been distributable by any executors or administrators, or as to the application of any residue thereof, or as to the distribution or application of any 3l. 10s. per cent. annuities transferred under the provisions of this Act in lieu of any 4l. per cent. annuities, whether as to the powers or authorities of any such trustees, executors, or administrators, or as to the relative interest of any persons entitled under any such trust, or under wills, to receive any annuities charged upon or arising or payable out of the proceeds of any such 4l. per cent. annuities, and of any persons interested in any residue of any such 4l. per cent. annuities, whether under any specific provision relating to any such trusts, or contained in any wills, or arising out of the execution of any wills by any executors, or the distribution of any estates by any administrators, and in all other cases whatsoever in which any question may arise in consequence of the transfer of any such 4l. per cent. annuities into 3l. 10s. per cent. annuities, it shall be lawful for any such trustees, executors, or administrators, and for persons entitled to or interested in any such 4l. per cent. annuities, or any 3l. 10s. per cent. annuities created in lieu thereof, or in any proceeds of any such annuities, whether in reversion or otherwise, to make application to the High Courts of Chancery, or to the Courts of Exchequer in England or Ireland respectively, or the Court of Session in Scotland, in a summary way, either by motion or petition; and it shall be lawful for the High Courts of Chancery, or for the Courts of Exchequer in England or Ireland respectively, or for the Court of Session in Scotland, to make general orders in relation to any such question or special orders in a summary way upon any such application, or as to any other matter or thing relating to any such annuities, or to any dividends thereof, or to any 3l. 10s. per cent. annuities which may be created in lieu thereof, or to the application of any such 3l. 10s. per cent. annuities, or any dividends thereof; and no application, petition, or affidavit made by or on behalf of any trustees, executors, or administrators, or trustee, executor, or administrator, or other person or persons interested in any of such annuities, or any dividends thereof respectively, nor any order or report made or other proceeding had in any or either of the said courts respectively, in consequence of any question which may arise out of any of the provisions of this Act in relation to the 4l. per cent. annuities, or any part or share or shares thereof, or in relation to any 3l. 10s. per cent. annuities which may be created under this Act in lieu of the said 4l. per cent. annuities, or the dividends of such respective annuities, nor any copy or copies of such application, petition, affidavit, order, report, or other proceeding, shall be subject or liable to be stamped, or charged or chargeable with any stamp duties whatever, anything in any Act or Acts of Parliament to the contrary notwithstanding; and all trustees, executors, administrators, and other persons acting under any orders made by any or either of such Courts respectively, or whose acts shall be confirmed by any or either of such Courts respectively, if done before any application made to any or either of the said courts respectively, shall be and are hereby fully indemnified against all actions, suits, or proceedings for or in respect of any act, matter, or thing done by them respectively in pursuance of or under any such order, or which shall be confirmed by any such order; and in case any action, suit, or other proceeding be commenced or instituted against any such trustee, executor, administrator, or other person, for or in respect of any such act, matter, or thing, it shall be lawful for the Court in which such action, suit, or proceeding shall be commenced or shall be pending upon summary application to stay, and such Court is hereby required to stay, such action, suit, or proceeding, and to make such order relative to the costs thereof as such Court shall think expedient.

XX. That this Act shall be, and the same is hereby declared to be, a full and complete indemnity and discharge to the Governor and Company of the Bank of England, their officers and servants, and every of them, for all things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any court of law or equity whatsoever to their prejudice or detriment.

And after reciting that it is necessary that provision should be made for the payment of such persons, bodies politic and corporate, and their successors, administrators, and assigns, who shall have signified, or who shall within the periods respectively prescribed by this Act signify, their dissent from accepting and taking 3l. 10s. per cent. annuities, in lieu of 4l. per cent. annuities under the provisions of this Act:—

It is therefore Enacted,

That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized, to advance any sum or sums of money, not exceeding in the whole the sum of money which may be required to make the payments

to such persons signifying such dissent, out of any monies, stocks, funds, or exchequer bills held by them under an Act, 9 Geo. 4. c. 92, intituled, 'An Act to consolidate and amend the Laws relating to Savings Banks;' and that all such part of the said 4l. per cent. annuities in this Act mentioned in respect of which dissent shall have been or shall be signified under the provisions of this Act shall, from and after the 10th of October 1834, be vested in the said Commissioners, who shall then become entitled to a like amount in the said 3l. 10s. per cent. annuities, which said 3l. 10s. per cent. annuities shall be added to and consolidated with, and shall be deemed and taken as part of and be subject to all the conditions of the said 3l. 10s. per cent. annuities created by this Act; and the said 3l. 10s. per cent. annuities shall be placed upon the account standing in the names of the said Commissioners in the books of the Bank of England, under the title of "The Fund for the Banks for Savings," the dividends upon which shall be chargeable, and the same are hereby charged, upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be paid to the said Commissioners, as upon Bank annuities purchased by the said Commissioners on account of the said fund.

XXII. That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XXXII.

AN ACT for reducing the Tonnage Rates payable in the Port of *London*.

(25th July 1834.)

CAP. XXXIII.

AN ACT to repeal so much of several Acts as requires Deposits to be made upon Teas sold at the Sales of the *East India Company*.

(25th July 1834.)

By this Act,

After reciting that by an Act, 18 Geo. 2. c. 26, intituled, 'An Act for repealing the present Inland Duty of Four Shillings per Pound Weight upon all Teas sold in Great Britain, and for granting to His Majesty certain other Inland Duties in lieu thereof, and for better securing the Duty upon Tea and other Duties of Excise, and for pursuing Offenders out of one County into another,' reciting, amongst other things, that many persons do frequently, at sales for tea by the East India Company, bid for and are declared best bidders for large quantities of tea without intending or being able to pay for the same unless such teas should after such sales rise in price, by means whereof the prices of tea are frequently raised and the running of tea encouraged, it is for remedy thereof enacted, that every person who shall at any public sale of tea made by the said Company be declared to be the best bidder for any lot or lots of tea shall, within three days after being so declared the best bidder for the same, deposit with the said Company, or such clerk or officer as the said Company shall appoint to receive the same, 40s. for every tub and for every chest of tea; and in case any such person shall refuse or neglect to make such deposit within the time before limited he shall forfeit and lose six times the value of such deposit, to be recovered as therein mentioned, one moiety of which forfeiture to go to His Majesty, and the other moiety to such person as shall sue for the same; and the sale of all teas for which such deposit shall be neglected to be made as aforesaid is thereby declared to be null and void, and all such teas are thereby directed to be again put up by the said Company to public sale within fourteen days after the end of the sale of teas at which such teas were sold; and every buyer who shall have neglected to make such deposit is thereby rendered incapable from bidding for or buying any teas at any future public sale of the said Company: And that by an Act, 13 Geo. 3. c. 48, intituled, 'An Act to allow a Drawback of the Duties of Customs on the Exportation of Tea to any of His Majesty's Colonies or Plantations in America, to increase the Deposit on Bohea Tea to be sold at the India Company's Sales, and to empower the Commissioners of the Treasury to grant Licences to the East India Company to export Tea Duty-free,' reciting the enactment hereinbefore recited, and that it is found expedient and necessary to increase the deposit to be made by any bidder of any lot of Bohea teas at the public sale of teas to be made by the said Company, it is enacted, that every person who shall, after the 10th of May 1773, at any public sale of tea to be made by the said Company, be declared to be the best bidder for any lot of Bohea tea, shall, within three days after being so declared the best bidder for the same, deposit with the said Company, or such clerk or officer as aforesaid, 4l. of lawful money for every tub and for every chest of Bohea tea, under the same terms and conditions, and subject to the same forfeitures, penalties, and regulations as are mentioned and contained in the said recited Act of 18 Geo. 3: And that by another Act, 33 Geo. 3. c. 52, intituled, 'An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company, and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay,' after referring to the enactments hereinbefore recited, and reciting that it is expedient to vary the time of paying the said deposits, it is enacted, that after the commencement of the now reciting Act the provision made in the said Acts with respect to the time of paying the said deposits shall cease, and that in respect of all tea sold at the said Company's sales from the commencement of that Act the said deposits shall be paid at such times as are therein mentioned, under the same terms and conditions, and subject to the same regulations, forfeitures, penalties, and disabilities as are mentioned and contained in the said Act of 18

Geo. 2: And that it is expedient that all and singular the provisions made in and by the said recited Acts with respect to the payment of deposits upon teas sold at the said Company's sales shall wholly cease:—

It is Enacted,

That from and after the passing of this Act all and singular the enactments in the said three several recited Acts contained, requiring deposits to be made in respect of tea sold at the said Company's sales, shall be and the same are hereby repealed; and that all and singular the regulations, forfeitures, penalties, and disabilities mentioned and contained in the said several recited Acts in relation to the payment or the non-payment of deposits in respect of teas sold at the said Company's sales shall thenceforth utterly cease.

CAP. XXXIV.

AN ACT to repeal the Laws relating to the Contribution out of Merchant Seamen's Wages towards the Support of the Royal Naval Hospital at Greenwich, and for supplying other Funds in lieu thereof.

(25th July 1834.)

i. Repeal of 7 & 8 Will. 3. c. 21, 8 & 9 Will. 3. c. 23, 10 Ann. c. 17, 8 Geo. 1. c. 24. s. 5, 2 Geo. 2. c. 7, 8 Geo. 2. c. 29. s. 10, 18 Geo. 2. c. 31, 2 Geo. 3. c. 31. s. 2, 2 Will. 4. c. 40. s. 23, except as to matters required to be done previous to 1st of January 1835, and to penalties incurred.

ii. An annual sum of £0,000*l.* to be charged on the Consolidated Fund.

iii. The Treasury to direct debentures to be made out for the payment of the said sum.

CAP. XXXV.

AN ACT for the better Regulation of Chimney Sweepers and their Apprentices, and for the safer Construction of Chimneys and Flues.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Recited Act repealed.
2. No child under ten years to be apprenticed to a chimney sweeper.
3. Chimney sweepers taking apprentices to be householders.
4. Indentures of boys under ten years of age to be void.
5. Indentures executed previous to the passing of this Act to remain in force.
6. Apprentices under fourteen years of age to be so designated by a brass plate on a leathern cap.
7. Penalty on chimney sweeper for employing children under fourteen years of age, not apprentices.
8. Requiring any person to ascend a flue to extinguish fire, a misdemeanor.
9. Binding or assignment of apprentices to chimney sweepers shall take place by consent of two Justices, and be indorsed on the indenture.
10. Age of the apprentice to be inserted in the indenture.
11. Boys not to be let out to hire.
12. Boys to have a trial of the business previous to being apprenticed.
13. Justices to examine boys who have been upon trial before binding, and if boys are unwilling shall refuse their sanction.
14. Limitation of boys on trial.
15. Streets not to be hawked or called by chimney sweepers.—Penalty.
16. Apprentices not to be evil-treated by their employers.—Penalty.
17. Complaints preferred by apprentices or their employers to be inquired into by Justices.
18. Materials and construction of chimneys and flues particularly directed.—Regulations as to angles of flues.—Chimneys of a certain construction may be built at angles.
19. Convictions to be made before two Justices.
20. Penalties how to be levied and applied.
21. In default of payment of penalty, parties convicted to be sent to prison.
22. Inhabitants may be witnesses.

23. *Distress not to be deemed unlawful for want of form.—Plaintiff not to recover for any irregularity if tender of sufficient amends be made.*
 24. *Appeal.*
 25. *No conviction to be quashed for want of form, or removable by certiorari.*
 26. *Term of Act.*
 27. *Act may be altered this session.*

By this Act,

After reciting that an Act was passed, 28 Geo. 3. c. 48, intituled, 'An Act for the better Regulation of Chimney Sweepers and their Apprentices,' the provisions whereof have been found insufficient to guard and protect children of tender years apprenticed to chimney sweepers against various casualties incident to the practice of cleansing flues by climbing :—

It is Enacted,

- I. That from and after the passing of this Act the said Act of 28 Geo. 3. shall be and the same is hereby repealed.
 - II. That from and after the passing of this Act no child who shall not have attained the age of ten years shall be bound or put apprentice to any person using the trade or business of a chimney sweeper.
 - III. That from and after the passing of this Act no chimney sweeper or other person who shall not be a housekeeper in the parish or other place in which such chimney sweeper or other person shall reside, and be rated to the relief of the poor of such parish, or assessed for payment of taxes in such other place, shall take or be deemed capable of taking an apprentice to learn or to practise the business of a chimney sweeper, or of employing in such trade any child under the age of fourteen years.
 - IV. That all indentures, covenants, promises, and bargains hereafter to be made or taken of or for the hiring, taking, employing, retaining, or keeping of any child who shall be under the age of ten years, as or in the nature of an apprentice or servant in the capacity of a chimney sweeper, shall be absolutely void in law to all intents and purposes.
 - V. That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, to vacate or cancel any indenture of apprenticeship that shall have been actually in conformity with the said recited Act made and executed previous to the passing of this Act for binding any boy as an apprentice to any person using the trade of a chimney sweeper, but that such indenture of apprenticeship shall in all respects continue and be in as full force and effect as if this Act had not been passed.
 - VI. Provided, That every person using the trade of a chimney sweeper having or retaining or employing in his service any apprentice or apprentices who shall be under fourteen years of age, shall provide for each such apprentice, so long as he shall remain under the age of fourteen, a leathern cap, to be worn by such apprentice when out upon his duty, having a brass plate set or affixed on the front thereof, with the name or names of the master or mistress engraved thereon, and also the name of the apprentice and the date of his indenture of apprenticeship; and every master or mistress neglecting to provide each such apprentice in his or her service, being under the age of fourteen, with such leathern cap and brass plate so affixed and engraved as aforesaid, shall for every such offence forfeit any sum not exceeding 5*l.* nor less than 40*s.*
 - VII. That from and after the passing of this Act no person in the trade of a chimney sweeper shall hire, use, retain, or employ any child under the age of fourteen years, other than an apprentice bound according to the provisions of or previous to the passing of this Act, and also other than such boy or boys as shall be upon trial with any master or mistress chimney sweeper as hereinafter provided; and that every such person or persons so hiring, using, retaining, or employing any such child, other than an apprentice as aforesaid, or boy on trial as aforesaid, shall for every such offence forfeit any sum not exceeding 10*l.* nor less than 40*s.*
 - VIII. That any person or persons requiring or compelling any apprentice or person of any description to ascend a chimney flue for the purpose of extinguishing fire therein shall be held and adjudged to be guilty of a misdemeanor, and be liable to be proceeded against accordingly.
- And to the end that the age and time of the continuance of service of every apprentice bound pursuant to the provisions of this Act may certainly appear :—
- It is further Enacted,
- IX. That every binding of a child as an apprentice to any person using or carrying on the trade of a chimney sweeper, and whether such binding shall be by a parish officer or by the parent or next friend of the child, and also every assignment of such apprentice, shall take place by and with the consent of two of His Majesty's Justices of the Peace acting in and for any county, stewardry, riding, city, town corporate, borough, division, or place within the United Kingdom of Great Britain and Ireland, such consent and approbation to be signified by such Justices in writing under their hands, indorsed on the indenture of apprenticeship or any assignment thereof, such indenture and consent respectively to be according to the forms prescribed in the Schedule herunto annexed; and every indenture or assignment which shall not be in the form so prescribed, or shall not have such consent so indorsed thereon and signed as aforesaid, shall be absolutely null and void.
 - X. That the age of every such child so to be bound apprentice shall be mentioned and inserted in such indenture, being taken truly from the copy of the entry in the register book wherein the time of his being baptized is or shall be entered (where the same can or may be had), which copy shall be given and attested by the minister, vicar, or curate of the parish or place wherein such child's baptism shall be registered, without fee or reward, and may be written upon paper or parchment; and where no such copy of any entry of such child being baptized can be had, such Justices of the Peace shall as fully as they can inform themselves of his age, and from such information shall insert the same in the said indenture; and the age of such child so inserted and mentioned in the said indenture (in relation to the continuance of his service) shall be taken to be his true age without any further proof thereof.

XI. That no person exercising the trade or business of a chimney sweeper shall let out to hire by the day or otherwise, to any other person, for the purpose of chimney sweeping, any child already an apprentice or that shall hereafter be bound apprentice under the directions of this Act.

And after noticing that it is advisable that before any boy shall be bound by indenture to learn the business of a chimney sweeper, a previous trial of such business should take place on the part of the boy, under proper regulations :—

It is further Enacted,

XII. That before any boy shall be bound as an apprentice by indenture as herein provided, it shall be lawful for the intended master of such boy to have and receive such boy in such master's house upon trial for any time not exceeding two calendar months from the commencement of such trial, and during such period of trial to permit and suffer such boy to ascend chimneys and to work in all respects as an apprentice in the said business of a chimney sweeper: Provided always, that before the commencement of such trial such boy, with his parent, next friend or guardian, or parish officer, and such intended master, shall go before any two Justices of the Peace acting in and for the county, stewardry, riding, city, town corporate, borough, division, or place where such intended master shall reside, and shall enter and register with the clerk to the said Justices the name and residence of the intended master, and also the name, residence, and age of such boy, and the names and residences of the parties accompanying such boy, and also the intended period of trial, which shall be deemed to commence on the day after such entry and register, and shall not exceed the term of two calendar months from such day: Provided also, that such boy shall at the commencement of such trial be of the full age of ten years, to be ascertained as herein directed in other cases.

XIII. That the Justices of the Peace before whom any boy shall be brought for the purpose of being bound to a chimney sweeper, and which boy shall have been upon trial with the intended master or mistress, shall ascertain from such boy whether he is willing and desirous to follow the business of a chimney sweeper, and to be bound to such master or mistress; and in case such boy shall be unwilling to be bound, such Justices shall and they are hereby required to refuse to sanction or approve of such binding.

XIV. That no master or mistress chimney sweeper shall have more than two boys at any one time on trial, as hereinbefore provided, nor more than four apprentices at one and the same time.

XV. That from and after the passing of this Act it shall not be lawful for any master or mistress chimney sweeper, or for any journeyman, servant, or apprentice of any chimney sweeper, or for any person whomsoever acting as a chimney sweeper, to call or hawk the streets in any city, town, or village, or elsewhere, for employment in his or her trade as a chimney sweeper; and if any person, chimney sweeper, journeyman, servant, or apprentice, shall offend herein, he shall be subject and liable for every such offence to forfeit and pay a sum not exceeding 40s.

XVI. That if any such master or mistress shall misuse or evil-treat his or her apprentice, or if the said apprentice shall have any just cause to complain of the forfeiture or breach of any of the covenants, provisions, or agreements to be expressed and contained in the indenture, according to the form in the Schedule hereunto annexed, on the part and behalf of such master or mistress, then and in such case such master or mistress, being convicted thereof, shall forfeit and pay for every such offence any sum not exceeding 10l. nor less than 40s.

XVII. That it shall and may be lawful for any two or more Justices of the Peace, and they are hereby authorized and empowered, to inquire into, and examine, hear, and determine, all complaints of hard or ill usage exercised by the several and respective masters or mistresses towards their apprentices, whether such complaints be preferred by any such apprentice or apprentices, or by any other person, and also all complaints of masters or mistresses against such apprentice or apprentices, and to make such orders therein respectively as any Justice or Justices is or are now enabled by law to do in other cases between masters and apprentices.

And after reciting that it is expedient that for the better security from accidents by fire or otherwise an improved construction of chimneys and flues should hereafter be adopted :—

It is further Enacted,

XVIII. That all withs and partitions between any chimney or flue which at any time after the passing of this Act shall be built or rebuilt shall be of brick or stone, and at least equal to half a brick in thickness; and every breast, back, and with or partition of any chimney or flue, hereafter to be built or rebuilt, shall be built of sound materials, and the joints of the work well filled in with good mortar or cement, and rendered or stuccoed within; and also that every chimney or flue hereafter to be built or rebuilt in any wall, or of greater length than four feet out of any wall, not being a circular chimney or flue of twelve inches in diameter, shall be in every section of the same not less than fourteen inches by nine inches; and no chimney or flue shall be constructed with any angle therein which shall be less obtuse than an angle of one hundred and twenty degrees, and every salient or projecting angle in any chimney or flue shall be rounded off four inches at the least; upon pain of forfeiture, by every master builder or other master workman who shall make or cause to be made such chimney or flue, of the sum of 100l., to be recovered, with full costs of suit, by any person who shall sue for the same in any of His Majesty's courts of record at Westminster: Provided nevertheless, and be it Enacted, That nothing in this clause contained shall be construed to prevent chimneys or flues being built at angles with each other of ninety degrees and more, such chimneys or flues having therein proper doors or openings not less than six inches square.

XIX. That all convictions for penalties and forfeitures by this Act imposed for any offence against the same shall be made by any two or more Justices of the Peace, either by confession of the offender or upon the oath or affirmation of one or more credible witness or witnesses.

XX. That all penalties and forfeitures by this Act imposed for any offence, neglect, or default against the same, and the costs and charges attending the recovery thereof, shall be levied by distress and sale of the goods and chattels of the offender or per-

son liable or ordered to pay the same respectively, by warrant under the hands and seals of two or more Justices of the Peace acting for the county, stewardry, riding, city, town, borough, division, or place where the offence, neglect, or default shall happen, rendering the overplus of such distress and sale (if any) to the party or parties, after deducting the charges of making the same, which warrant such Justices are hereby empowered and required to grant, upon conviction of the offender by confession or upon oath or affirmation of one or more credible witness or witnesses, or upon order made as aforesaid; and the penalties, forfeitures costs, and charges, when so levied, shall be paid, the one half to the informer, and the other half to the overseers of the poor of the parish, township, or place where the master or mistress of such apprentice or servant shall dwell and inhabit, to be by such overseers applied in aid of the rate raised for the relief of the poor of such parish, township, or place, or, in case there shall be no such overseer, to His Majesty.

XXI. That the Justices of the Peace by whom any person shall be convicted and adjudged to pay any sum of money for any offence against this Act may adjudge that such person shall pay the same, together with costs, either immediately or within such period as the said Justices shall think fit, and that in default of payment at the time appointed such person shall be imprisoned in the common gaol or house of correction (with hard labour), as to the said Justices shall seem meet, for any time not exceeding two calendar months where the amount of the sum forfeited or of the penalty imposed, together with the costs, shall not exceed 5*l.*, and for any term not exceeding three calendar months in any other case; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXII. That no inhabitant of any parish, township, or place shall be deemed an incompetent witness in any suit, action, information, complaint, appeal, prosecution, or proceeding to be had, made, prosecuted, or carried on under the authority of this Act for any offence committed within such parish or township or place, by reason of such person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the rates or assessments of any such parish, township, or place.

XXIII. That where any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio*, on account of any irregularity which shall be afterwards done by the party or parties distraining, but the person or persons aggrieved by such irregularity may recover a full satisfaction for the special damage in an action on the case, to be brought in some of the courts of record at Westminster or Dublin, or by action raised or complaint preferred in any court of session in Scotland; Provided always, that no plaintiff or plaintiffs shall recover in any action for any such irregularity, trespass, or wrongful proceeding, if tender of sufficient amends shall be made by or on the behalf of the party or parties who shall have committed or caused to have been committed any such irregularity or wrongful proceedings before such action or complaint brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant or defendants in any such action, by leave of the Court where such action shall depend, at any time before issued joined, to pay into court such sum of money as he or they shall see fit, whereupon such proceedings or orders and judgments shall be had, made, and given in and by such court as in other actions where the defendant or defendants is or are allowed to pay money into court.

XXIV. That in all cases where the sum adjudged to be paid on any conviction shall exceed 5*l.*, or the imprisonment adjudged shall exceed one calendar month, any person who shall think himself or herself aggrieved by any such conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than twelve days after the day of such conviction for the county, riding, or division wherein the cause of complaint shall have arisen: Provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a Justice of the Peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such person if in custody; and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal or the affirmation of the conviction shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

XXV. That no conviction, or adjudication made on appeal thereupon, shall be quashed for want of form, or be removed by certiorari or otherwise into any of His Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XXVI. That this Act shall be and continue in force until the 1st of January 1840, and from thence until the end of the then next session of Parliament.

XXVII. That this Act may be altered, amended, or repealed by any Act to be passed in the present session of Parliament.

SCHEDULE to which the Act refers.

FORM OF INDENTURE.

This Indenture, made the _____ Day of _____ in the _____ Year of the Reign of our Sovereign Lord _____ by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and _____ in the Year of our Lord _____ between A. B. and C. D., Churchwardens and Overseers of the Poor of the _____

Parish of _____ in the County of _____ [or E. F. the Father or next Friend of the Boy to be placed
out, as the Case may be,] of the one part, and L. M. of Number _____ in _____ Street in the Parish of _____
in the County of _____ Chimney Sweeper, of the other Part, witnesseth, that the said Churchwardens and
Overseers of the Poor, [or the said E. F., as the Case may be,] by and with the Consent and Approbation of G. H. and I. K.,
Two of His Majesty's Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town, Borough, Division,
or Place, [as the Case may be,] signified as hereunder written, put and bound, and by these Presents
put and bind N. O. of the said Parish, Township, or Place, being of the Age of _____ Years [as the Case
may be], to be Apprentice to the said L. M., he having now _____ other Apprentice or Apprentices and no more
[as the Case may be], to learn the Trade or Business of a Chimney Sweeper, and with him [or her] to dwell, remain, and serve
from the Day of the Date of these Presents, for and during the Term of _____ Years from hence next ensuing fully to
be complete and ended, during all which time he the said N. O. as such Apprentice his said Master [or Mistress] faithfully
shall serve and obey, his [or her] Secrets keep, and his [or her] lawful Commands everywhere gladly do and perform; he shall
not haunt Alehouses or Gaming Houses, nor absent himself from the Service of his said Master [or Mistress] Day or Night
without his [or her] Leave, but in all Things as a faithful Apprentice shall behave himself towards his said Master [or Mistress]
and all his [or her's] during the said Term: And the said L. M. in consideration of the Good-will which he [or she] hath and
beareth towards the said Apprentice, and of the faithful Service so to be performed by him, doth hereby covenant, promise, and
agree with the said Churchwardens and Overseers of the Poor [or the said E. F., as the Case may be], that he [or she] the said
N. O. his [or her] said Apprentice, in the Trade or Business of a Chimney Sweeper, which he [or she] now useth, shall and
will teach and instruct, or cause to be taught and instructed, in the best Manner that he [or she] can, and shall and will provide
and allow unto the said Apprentice, during all the said Term, competent and sufficient Meat, Drink, Washing, Lodging, Ap-
parel, and all other things necessary for the said Apprentice; and that the said L. M. Executors, Administrators,
or Assigns, shall not nor will assign over this present Indenture, or the Apprentice bound thereby, without the Consent and
Approbation in Writing of Two or more such Justices of the Peace, to be signified according to the Form of the Approbation
hereunder written: And whereas, from the Nature of the Business or Employment of a Chimney Sweeper, it is necessary for
the Boys employed in climbing to have a Dress particularly suited to that Purpose, which Dress is only fit for that Part of the
Occupation, the said L. M. doth hereby also covenant, promise, and agree to and with the said Churchwardens and Overseers
of the Poor [or the said E. F., as the Case may be,] to find and allow such suitable Dress for the said Apprentice as often as
Need or Occasion shall be and require, and provide for and deliver to the said Apprentice once in every Year at least during
the Term aforesaid, over and above the said dress proper for climbing, one whole and complete Suit of Clothing, with suitable
Linen, Stockings, Cap or Hat, and Shoes; and further, that the said L. M. shall and will at least once in every week cause
the said Apprentice to be thoroughly washed and cleansed from Soot and Dirt; and shall and will require the said Apprentice
to attend the Public Worship of God on the Sabbath Day, and permit and allow him to receive the Benefit of any other reli-
gious or useful Instruction; and that the said Apprentice shall not wear his Sweeping Dress on that Day; and that the said
L. M. shall not nor will compel or oblige or permit the said Apprentice to call the Streets; and further, shall not nor will
compel or oblige the said Apprentice to exercise his Business between the Hours of Eight at Night and Four o'Clock in the
Morning from the First Day of November to the last Day of March inclusive; nor shall the said L. M. or any person or per-
sons whomsoever by his [or her] Directions, require or force him the said Apprentice to climb or go up any Chimney which
shall be actually on fire, nor make use of any violent or improper Means to force him to climb or go up any Chimney, but shall
in all Things treat his [or her] said Apprentice with Care and Humanity.

FORM OF APPROBATION BY JUSTICES.

We, G. H. and I. K., Two of His Majesty's Justices of the Peace acting in and for the County, Stewartry, Riding, City, Town, Borough, Division, or Place, [as the Case may be,] having inspected and examined the within-named N. O. [the Boy to placed out or assigned over], and it having been proved to our Satisfaction that he is of the Age of Ten years and upwards, do hereby consent to and approve of his being bound [or assigned over] as an Apprentice to the within-named L. M. [the Master or Mistress], according to the Terms and Stipulations expressed in the within-written Indenture.

CAP. XXXVI.

AN ACT for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining.

(25th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. The Lord Mayor of London, the Lord Chancellor, the Judges, the Aldermen, Recorder, and Common Serjeant of London, and such others as His Majesty may appoint, to be Judges of a Court to be called the "Central Criminal Court."
2. His Majesty may issue a commission of oyer and terminer and gaol delivery for London and Middlesex, and certain parts of Essex, Kent, and Surrey.
3. New district to be considered as one county, and venue to be "Central Criminal Court to wit," &c.

4. *Power to summon juries from London or from the counties, or from both indiscriminately, to try all offences cognisable by the Act.*—As to juries residing within the limits of the Act in Essex, Kent, and Surrey.
5. *His Majesty, by order in council, to appoint the places of confinement for prisoners.*
6. *Penitentiary at Milbank to be one of the prisons under this Act.*
7. *Persons sentenced to imprisonment beyond the limits of this Act may be removed to the Penitentiary at Milbank.*
8. *Regulations in all Penitentiary Acts shall apply to prisoners confined there by the authority of this Act.*
9. *Persons convicted may be imprisoned either in the county gaol or in Newgate.*—*Sheriffs of London may execute judgments.*
10. *Justices and Coroners in Essex and Kent to commit offenders to Newgate, and Justices and Coroners in Surrey to commit offenders to Herasmonger Lane, and certify examinations to the Court.*
11. *Justices and Coroners to specify that persons are committed under this Act, and to take examinations, &c. as required under 7 Geo. 4. c. 64.*—*Power to remove prisoners from county gaol of Surrey to Newgate.*
12. *Power to order payment of expenses to prosecutors and witnesses.*—*Treasurer of county, or his agent, to attend the Court, to pay orders.*
13. *No bill of indictment to be presented to the grand jury unless the prosecutor has been bound by recognizance.*
14. *Court of the Lord Mayor and Aldermen of London may contract with the Justices of Essex, Kent and Surrey, for the support of their prisoners in Newgate.*—*If they cannot agree, the Judges to settle the amount.*
15. *Sessions to be holden in London or the suburbs twelve times at least in every year.*
16. *Indictments found at the sessions of the peace may be removed before Justices of Oyer and Terminer and Gaol Delivery.*
17. *Quarter Sessions restrained from trying certain offences.*
18. *Recognizances for prosecuting, giving evidence, &c. before sessions of peace to be obligatory on persons entering into same to prosecute, give evidence, &c. before Justices of Oyer and Terminer and Gaol Delivery.*—*Notice to be given to parties entering into recognizances of change of Court.*
19. *Justices of Peace may deliver over indictments found at sessions to the Justices of Oyer and Terminer and Gaol Delivery.*
20. *Justices to settle officers' fees, or a salary, and direct how the same shall be paid.*
21. *Sessions of the Peace not to be affected by the sessions holden in pursuance of this Act.*
22. *Authorising Court to try offences committed on the high seas.*
23. *Saving the rights and privileges of London.*
24. *Commencement of Act.*
25. *Act may be altered this session.*
26. *Public Act.*

By this Act,

After reciting that it is expedient, for the more effective and uniform administration of justice in criminal cases, that offences committed in the metropolis and certain parts adjoining thereto should be tried by Justices and Judges of Oyer and Terminer and Gaol Delivery in the city of London :—

It is Enacted,

1. That the Lord Mayor for the time being of the city of London, the Lord Chancellor or Lord Keeper of the Great Seal, and all the Judges for the time being of His Majesty's Courts of King's Bench, Common Pleas, and Exchequer, the Chief Judge and the two other Judges in Bankruptcy, the Judge of the Admiralty, the Dean of the Archbishops, the Aldermen of the city of London, the Recorder, the Common Serjeant, the Judges of the Sheriffs Court of the city of London, for the time being, and any person or persons who hath or shall have been Lord Chancellor, Lord Keeper, or a Judge of any of His Majesty's superior Courts of Westminster, together with such others as His Majesty, his heirs and successors, shall from time to time name and appoint by any general commission as hereinafter stated, shall be and be taken to be the Judges of a Court to be called the "Central Criminal Court," to which His Majesty, and his heirs and successors, may direct his general commission as hereinafter mentioned; and which Court shall have jurisdiction to hear, try, and determine all offences committed or alleged to be committed as hereinafter specified.

11. That it shall be lawful for His Majesty, his heirs and successors, from time to time to command and cause to be issued commissions of oyer and terminer to inquire of, hear, and determine all treasons, murders, felonies, and misdemeanors committed within the city of London and county of Middlesex, and those parts of the counties of Essex, Kent, and Surrey, within the parishes of Barking, East Ham, West Ham, Little Ilford, Low Leyton, Walthamstow, Wanstead St. Mary, Woodford, and Chingford, in the county of Essex; Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, St. Nicholas Deptford, that part of St. Paul Deptford which is within the said county of Kent, the liberty of Kidbrook, and the hamlet of Mottingham, in the county of Kent; and the borough of Southwark, the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, St. Mary Newington, Rotherhithe, Streatham, Barnes, Putney, that part of St. Paul Deptford which is within the said county of Surrey, Tooting, Graveney, Wandsworth, Merton, Mortlake, Kew, Richmond, Wimbledon, the Clerk Liberty, and the district of Lambeth Palace, in the county of Surrey; and also commissions of gaol delivery to deliver His Majesty's gaol of Newgate of the prisoners therein charged with any of the offences aforesaid, committed within the limits aforesaid; and it shall be lawful for the Justices and Judges of the Central Criminal Court aforesaid, or any two or more of them, to inquire of, hear, determine, and adjudge all such treasons, murders, felonies, and misdemeanors, and all treasons, murders, felonies, and misdemeanors which might be inquired of, heard, and determined under any commission of oyer and terminer for the city of London or county of Middlesex, or commission of gaol delivery to deliver the gaol of Newgate, or which, in case the parts of the counties of Essex, Kent, and Surrey respectively comprised within the limits aforesaid had been counties of themselves, might have been inquired of, heard, and determined under commissions of oyer and terminer and gaol delivery for such counties, and to deliver the said gaol of Newgate at such times and places in the said city or the suburbs thereof as by the said commissions shall be appointed, or as the said Justices and Judges by virtue and in pursuance thereof, or any two or more of them, shall appoint, and to award and issue all precepts and process, and use and exercise all powers and authorities belonging to Justices of Oyer and Terminer and Gaol Delivery: Provided always, that such Court shall have power

and jurisdiction to proceed on every such commission so issued as aforesaid and act under such commission until a new commission shall be issued.

III. That the district situated within the limits of the jurisdiction hereinbefore established shall be deemed and taken to be, in all cases tried before the said Justices and Judges, one county for all purposes of venue, local description, trial, judgment, and execution, not herein specially provided for; and that in all indictments and presentments preferred and tried before the said Justices and Judges the venue laid in the margin shall be as follows, "Central Criminal Court to wit;" and all offences which in other indictments would be laid to have been committed in the county where the trial is had, and all material facts which would be in other indictments averred to have taken place in the county where the trial is had, shall, in indictments prepared and tried in the said Court, be laid to have been committed and averred to have taken place "within the jurisdiction of the said Court".

IV. That the Sheriffs of the city of London, and of the counties of Middlesex, Essex, Kent, and Surrey, respectively, shall execute and obey all precepts and process which the said Justices and Judges shall award, issue, and direct unto them respectively, and shall, whenever required and commanded, summon and return from the said city of London and county of Middlesex, and from the parts of the said counties of Essex, Kent, and Surrey within the limits of this Act, a competent number of persons qualified according to law to inquire of, present, and try all offences and other matters cognizable by the said Justices and Judges; and the persons so returned, whether taken wholly from the city of London or the said counties, or taken indiscriminately from the said city and the said counties, shall have authority to inquire of, present, hear, try, and determine all such offences and other matters, and all issues and all matters of fact arising out of such trials or relating thereto, notwithstanding that such persons are not inhabitants of the city, county, or place where such offences or other matters may be committed or arise; and any person having served upon any grand jury or petty jury summoned and returned from the said counties of Essex, Kent, and Surrey, under the authority of this Act, shall henceforth be exempt for and during twelve calendar months next after such service from serving upon any jury in any Court (except the Sessions of the Peace) to be holden for the county in which such juror shall reside.

And after reciting that for the more convenient distribution of prisoners, as well before trial as after, and also for rendering more effectual the punishment of imprisonment, it may be expedient that power should be given to appoint from time to time in what places of confinement within the limits of this Act such prisoners shall be kept in custody:—

It is therefore further Enacted,

v. That it shall be lawful for His Majesty, by and with the advice of his Privy Council, from time to time to order and direct in what gaol, house of correction, or other prison, being within the limits of this Act, any person or persons charged with or convicted of offences committed or alleged to have been committed within the limits of this Act shall be imprisoned or kept in custody; and that when and so often as His Majesty, by and with the advice of his Privy Council, shall be pleased to give such orders and directions, the said Justices and Judges of Oyer and Terminer and Gaol Delivery, and all Justices of the Peace, Coroners, and other magistrates acting within the limits of this Act, shall commit all persons charged or convicted before them to such gaol, house of correction, or other prison as in such orders or directions shall be expressed and commanded, any law, usage, or custom to the contrary notwithstanding: Provided nevertheless, and it is hereby declared, that the city, county, or place in which the offence of such person or persons was committed or alleged to have been committed shall be liable to and charged with the expense of supporting and maintaining such prisoner during his imprisonment in such gaol, house of correction, or other prison, at and after such rate as His Majesty, by and with the advice of his Privy Council, shall order and direct, and shall be paid by the treasurer of the said city, county, or place in which such offence was committed or alleged to have been committed: Provided nevertheless, that the county of Middlesex and city of Westminster and liberty of the Tower of London shall not be liable to any charge for the support and maintenance of any prisoner charged with any offence in the said county, city, or liberty, who shall be committed to His Majesty's gaol of Newgate.

VI. That the general Penitentiary at Millbank shall be considered one of the prisons in which His Majesty by virtue of this Act may, with the advice of his Privy Council, direct any persons charged or convicted of offences within the limits of this Act to be imprisoned and kept in custody.

VII. That it shall be lawful for His Majesty, by an order in writing to be notified in writing by one of His Majesty's principal Secretaries of State, to direct that persons who may be sentenced to imprisonment by any Court or competent authority for any offence committed beyond the limits of this Act, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the Penitentiary at Millbank, there to be imprisoned for and during their respective terms of imprisonment.

VIII. That all provisions and regulations expressed and contained in all Acts made for the government of the general Penitentiary at Millbank, and all powers given by such Acts for the confinement, employment, and management of convicts removed thereto in pursuance of such Acts, shall be applicable and made available in respect of all persons who may be removed or sent to such Penitentiary in pursuance of any order in council made by the authority of this Act, as fully, to all intents and purposes, as if the said regulations, provisions, and powers were expressed and given by this Act.

IX. That it shall be lawful to and for the said Justices and Judges of Oyer and Terminer and of Gaol Delivery, or any two or more of them, to commit any person or persons who shall be brought before them charged with any offence cognizable by such Justices and Judges under and by virtue of this Act, or who shall be convicted or attainted before them, to such gaol, house of correction, or other prison as may be specified in any order of council to be made by virtue of this Act, or if no such order shall have been made, then to the common gaol, house of correction, or other prison of the city, county, or place to which such offender might have been committed if this Act had not passed, or to His Majesty's gaol of Newgate, there to remain until discharged by due course of law, or in execution of his or their respective judgments; and in case of such commitment to the said gaol of Newgate, execution of such judgments shall and may be had and done upon such person or persons by the sheriffs of the said city of London in the same way and as fully to all intents and purposes as if the offence of which such person or persons was or were convicted had been committed in the said city of London.

x. That until His Majesty shall be pleased, by and with the advice of his Privy Council, to order and direct in what gaol, house of correction, or other prison persons charged with or convicted of offences committed or alleged to have been committed within the limits of this Act shall be imprisoned or kept in custody, it shall be lawful for any Justice of the Peace or Coroner acting in and for the said counties of Essex or Kent, so far as relates to the said several parishes lying within their respective counties, to commit any person or persons charged with any of the offences aforesaid cognizable by the said Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act to His Majesty's gaol of Newgate; and also for any Justice of the Peace or Coroner acting in and for the said county of Surrey, so far as relates to the several parishes above mentioned lying within the said county of Surrey, to commit any person charged with any of the offences aforesaid cognizable by the Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act to His Majesty's gaol of Horsemaneger Lane or Newington in and for the county of Surrey.

xi. That every Justice or Coroner acting within the limits of this Act shall specify in the commitment that the person or persons charged are committed under the authority of this Act; and such Justice or Coroner shall in all such cases take the like examinations, informations, bailments, and recognizances, and certify the same to the said Justices of Oyer and Terminer and Gaol Delivery, as they are required by an Act, 7 Geo. 4. c. 64, intituled, 'An Act for improving the Administration of Criminal Justice in England'; and any Justice of the Peace or Coroner, in default of so doing, shall be liable to the same fines and penalties to be imposed by the said Justices and Judges of Oyer and Terminer and Gaol Delivery in the same manner as is mentioned in the said Act; and when any person or persons shall be committed to His Majesty's gaol for the county of Surrey for any offence cognizable by the said Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act, by a commitment specifying that such person or persons is or are committed under the authority of this Act, the sheriff of the said county of Surrey, or the keeper of the gaol for the said county, shall, six days at least before the sitting of the next Court of Oyer and Terminer and Gaol Delivery appointed under the authority of this Act, or at such other time as the said Justices and Judges of Oyer and Terminer and Gaol Delivery, or any two or more of them, shall from time to time direct, cause such person and persons, with their commitments and detainers, to be safely removed from the gaol of the said county of Surrey, without the issuing of any writ of habeas corpus, or other writ, to the said gaol of Newgate, there to remain until delivered by due course of law.

xii. That it shall be lawful for any two of the said Justices and Judges of Oyer and Terminer and of Gaol Delivery to order and direct the costs and expenses of prosecutors and witnesses, in all cases where prosecutors and witnesses may be by law entitled thereto, to be paid by the treasurer of the county in which the offence of any person prosecuted would have been tried but for this Act; and that every such treasurer or some known agent shall attend the said Justices and Judges of Oyer and Terminer and Gaol Delivery during the sitting of the Court, to pay all such orders.

xiii. That no bill of indictment for any misdemeanor (other than perjury or subornation of perjury) which can or may be presented to the grand jury at any sessions of the peace for the said city of Westminster and borough of Southwark, and counties of Middlesex, Essex, Kent, and Surrey respectively, in which such misdemeanor was committed or alleged to have been committed, shall be presented to the grand jury to be summoned under the authority of this Act, unless the prosecutor or other person presenting such indictment shall have been bound by recognizance to prosecute or give evidence at the sessions to be held under the authority of this Act against the person or persons accused of such misdemeanor, or unless such person or persons accused shall have been committed to or detained in custody, or shall be bound by recognizance to appear at the said sessions to be held under the authority of this Act.

xiv. That it shall be lawful for the Court of the Lord Mayor and Aldermen of the city of London, having, the government and ordering of the said gaol of Newgate, to enter into agreement with the Justices of the Peace for the said counties of Essex, Kent, and Surrey, for the support and maintenance in the said gaol of Newgate of any prisoner or prisoners so committed or removed thereto under the authority of this Act; and that the sum to be paid for the support and maintenance of such prisoner or prisoners in the said gaol of Newgate, and for their removal therefrom, shall be after such rate and in such manner as shall be settled and agreed by and between a committee of the said Aldermen to be appointed from time to time by the said Court of Aldermen and a joint or separate committee of the magistrates of the said respective counties of Essex, Kent, and Surrey, to be appointed at the General or Quarter Sessions of the Peace of the said counties respectively to be holden next after the 1st of January in every year; and in case the said committee, or either of them, shall not make such settlement or agreement as aforesaid, then the rate and manner in which such support and maintenance shall be paid shall, on the application of the said committee of Aldermen at any time after the expiration of one month from the said respective sessions, be fixed and determined by such of the said Justices and Judges of Oyer and Terminer and Gaol Delivery, or any two or more of them, as hath or shall have been Justices of His Majesty's superior courts of Westminster; and that the amount of such support and maintenance, to be ascertained in manner aforesaid, shall be paid by the treasurer of the respective counties of Essex, Kent, and Surrey, in such manner as the said Justices and Judges shall order and direct.

xv. That the said Justices and Judges of Oyer and Terminer and Gaol Delivery to be appointed under the authority of this Act, or any two or more of them, shall hold a session for the said city of London and county of Middlesex, and the parts of the counties of Essex, Kent, and Surrey hereinbefore mentioned, in the said city of London or suburbs thereof, at least twelve times in each and every year (and oftener if need be), such times to be fixed by general orders of the said Court, which any eight or more of the said Judges of His Majesty's Courts of Westminster are hereby empowered to make from time to time.

xvi. That it shall be lawful for His Majesty's Court of King's Bench, or any Judge thereof, or any Commissioner of Oyer and Terminer and Gaol Delivery under this Act, being a Judge of any of the superior courts at Westminster, or the Chief Judge or any other Judge of the Court of Bankruptcy, or the Recorder for the said city of London for the time being, if such Judge, or Recorder shall think proper, to issue any writ or writs of certiorari, or other process, directed to the Justices of the Peace acting in and for the cities of London and Westminster, the liberty of the Tower of London, and the borough of Southwark, and the counties of Middlesex, Essex, Kent, and Surrey, or either of them, commanding the said Justices of the Peace, or any or either of them, to certify and return into the said Court of Oyer and Terminer and Gaol Delivery every indictments or presentments found or taken before the said Justices of the Peace, or any of them, of any offences committed

by virtue of this Act, and the several recognisances, examinations, and depositions relative to such indictments and presentments, so that the same offences may be dealt with, tried, and determined by the said Justices and Judges of Oyer and Terminer and Gaol Delivery; and also for the like purpose, by writ or writs of habeas corpus, to cause any person or persons who may be in the custody of any gaol or prison charged with any offences cognizable under this Act to be removed into the custody of the keeper of the gaol of Newgate.

XVII. That the Justices of the Peace acting in and for the said cities of London and Westminster, the liberty of the Tower of London, the borough of Southwark, and the counties of Middlesex, Essex, Kent, and Surrey, shall not, at their respective general or quarter sessions of the peace, or any adjournment thereof, try any person or persons charged with any capital offence, or with any of the following offences committed or alleged to be committed within the limits of this Act; that is to say, house-breaking, stealing above the value of 5*l.* in a dwelling house, horse-stealing, sheep-stealing, cattle-stealing, maliciously wounding cattle, bigamy, forgery, perjury, conspiracy, assault with intent to commit any felony, administering or attempting to administer poison with intent to kill or to do some grievous bodily harm, administering drugs or other things or doing anything with intent to cause or procure abortion, manslaughter, destroying or damaging ships or vessels, the breaking of shops, warehouses, counting-houses, and buildings within the curtilage of dwelling houses, killing sheep with intent to steal the carcasses, the uttering of all forged instruments, and the various offences enumerated in 1 Will. 4. c. 66, intituled, 'An Act for reducing into One Act all such Forgeries as shall henceforth be punished with Death; and for otherwise amending the Laws relative to Forgery,' forging the assay marks on gold or silver plate, and all the offences relating to coin enumerated in 2 Will. 4. c. 34, intituled, 'An Act for consolidating and amending the Laws against Offences relating to the Coin,' the abduction of women, bankrupts not surrendering under their commission or concealing their effects, breaking down bridges and banks of rivers, taking rewards for helping to stolen goods, personating any officer, seaman, or other persons in order to receive any wages, pay, allowance, or prize money due or supposed to be due, or any out-pensioner of Greenwich Hospital in order to receive any out-pension allowance due or supposed to be due, sending threatening letters and using threats to extort money, larceny on navigable rivers and canals, and stealing and destroying goods in progress of manufacture, and larcenies after a previous conviction, embezzlement, larceny by clerks and servants, and receivers of stolen goods, whether such person or persons shall be charged as principal offenders or as accessories before or after the fact.

XVIII. That every recognizance which shall have been or shall be entered into for the prosecution before His Majesty's Justices of the Peace aforesaid of any person for any offence cognizable under this Act, and any recognizance for the appearance as well of any witness to give evidence upon any bill of indictment or presentment for any such offence as of any person to answer our Lord the King for or concerning any such offence, or to answer generally before such Justice of the Peace, shall, in case any such writ of certiorari or habeas corpus be issued for the purpose of removing such indictment or presentment or such person so in custody as aforesaid, be obligatory on the parties bound by such recognizance to prosecute and appear and give evidence and do all other things therein mentioned with reference to the indictment or presentment or the person so removed as aforesaid before the Justices and Judges of Oyer and Terminer and Gaol Delivery acting by virtue of this Act, in like manner as if such recognizances had been originally entered into for prosecuting such offence, appearing, or giving evidence, or doing such other things before the said Justices and Judges of Oyer and Terminer and Gaol Delivery; provided that in case of removal from the jurisdiction of Justices of the Peace for the said cities of London or Westminster, the liberty of the Tower of London, the borough of Southwark, or counties of Middlesex and Surrey, two days' notice, and in case of removal from the jurisdiction of the Justices of the Peace for the counties of Essex and Kent one week's notice, shall have been given either personally or by leaving the same at the place of residence as of which the parties bound by such recognizance are therein described, to appear before the Court of Oyer and Terminer and Gaol Delivery instead of the said other Justices: Provided also, that it shall be lawful for the Court, Judge, or Recorder who shall grant such writ of certiorari or habeas corpus, and it is hereby required that such Court, Judge, or Recorder shall cause the party applying for such writ or writes, whether he be the prosecutor or party charged with such offence, to enter into a recognizance in such sum, and with or without sureties, as the Court, Judge, or Recorder may direct, conditioned to give such notice as aforesaid to the parties bound by such recognizance to appear before the said Court of Oyer and Terminer and Gaol Delivery instead of before the said other Justices respectively, and to do such other things as such Court, Judge, or Recorder shall direct.

XIX. That it shall be lawful for the said Justices of the Peace, acting in and for the said cities of London and Westminster, the liberty of the Tower of London, the borough of Southwark, and for the said counties of Middlesex, Essex, Kent, and Surrey, if they shall see fit, to certify, transmit, and deliver to the said Justices and Judges of Oyer and Terminer and Gaol Delivery any indictment or presentment found or taken before them at their said respective General or Quarter Sessions of the Peace, or at any adjournment thereof, for any offence or offences cognizable by the said Justices and Judges of Oyer and Terminer and Gaol Delivery by virtue of this Act, in the same manner to all intents and purposes as the said Justices of the Peace might or could do if the said Court of Oyer and Terminer and Gaol Delivery was holden in the county where such indictments or presentments were found or taken.

XX. That it shall be lawful for the said Justices and Judges of Oyer and Terminer and Gaol Delivery, in sessions assembled, and they are hereby authorized and required, to ascertain, make, and settle a table of fees and allowances to be received and taken by the several officers of the said Court, and from time to time to alter and vary the same as may to them appear just and reasonable, which said table of fees and allowances shall be hung up in the Court of Sessions, and a copy thereof transmitted to the Clerks of the Peace of the said counties of Middlesex, Essex, Kent, and Surrey; or it shall be lawful for the said Justices to ascertain, make, and settle a salary in lieu of such fees and allowances, to be paid to the said officers or either of them, for the performance of their respective duties, as to the said Justices and Judges of Oyer and Terminer and Gaol Delivery shall seem reasonable and just, and to order and direct how and in what manner and by whom such fees and allowances or salary shall be paid, and also to order and direct such portion as they shall think fit of the expense of preparing calendars and returns, and of other expenses incident to this Act, to be borne and paid by the Treasurer of each of the said counties, and such portion shall be paid by such Treasurers accordingly: Provided nevertheless, that the county of Middlesex

shall not be liable to any portion of the expense of preparing calendars or sessions papers, or of any other expenses incident to this Act, to which the said county would not have been liable in case this Act had not been passed.

XXI. Provided nevertheless, That nothing herein contained shall hinder or prevent, or shall be construed to hinder or prevent, the Justices of the Peace for the said cities of London and Westminster, the liberty of the Tower of London, the borough of Southwark, and the said counties of Middlesex, Essex, Kent, and Surrey, from holding their respective General or Quarter Sessions of the Peace in their respective jurisdictions during the sitting of the said Court of Oyer and Terminer and Gaol Delivery to be held in pursuance of this Act; and that neither this Act, nor the commissions of Oyer and Terminer and Gaol Delivery from time to time to be issued under the authority of this Act, shall supersede, interfere with, or affect any other commission or commissions of Oyer and Terminer to be at any time issued by his said Majesty, his heirs and successors, in the said counties of Essex, Kent, and Surrey, or the jurisdiction by virtue thereof, nor hinder or prevent the Justices of Oyer and Terminer to be from time to time appointed by any commission to be issued under the authority of this Act from holding their respective sessions at one and the same time, it being the true intent and meaning of this Act, that the Justices to be named and appointed in and by any other commissions of Oyer and Terminer and Gaol Delivery to be hereafter issued in the said counties of Essex, Kent, and Surrey, shall have the like power and jurisdiction to inquire of, hear, and determine all offences by virtue of such commissions which they would have had if this Act had not been made: Provided nevertheless, that they shall not be required or obliged to inquire of, hear, and determine, or to deliver the respective gaols or prisons of the same last-mentioned counties of any person or persons whose offence or offences is, are, can, or may be inquired of, dealt with, tried, and determined under and by virtue of the commissions of Oyer and Terminer and Gaol Delivery to be from time to time issued under the authority of this Act.

And after reciting that it is expedient that persons charged with certain offences committed on the high seas and other places within the jurisdiction of the Admiralty of England should speedily be brought to trial :—

It is Enacted,

XXII. That it shall and may be lawful for the Justices and Judges of Oyer and Terminer and Gaol Delivery to be named in and appointed by the commissions to be issued under the authority of this Act, or any two or more of them, to inquire of, hear, and determine any offence or offences committed or alleged to have been committed on the high seas, and other places within the jurisdiction of the Admiralty of England, and to deliver the gaol of Newgate of any person or persons committed to or detained therein for any offence or offences alleged to have been done and committed upon the high seas aforesaid within the jurisdiction of the Admiralty of England; and all indictments found and trials and other proceedings had and taken by and before the said Justices and Judges of Oyer and Terminer and Gaol Delivery shall be valid and effectual to all intents and purposes whatsoever; and that it shall and may be lawful for any three of the said Justices and Judges of Oyer and Terminer and Gaol Delivery to order and direct the payment of the costs and expenses of such prosecutions in manner prescribed and directed by the before-recited Act, 7 Geo. 4.

XXIII. Provided, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the rights, interests, privileges, franchises, or authorities of the Lord Mayor, Aldermen, and Recorder of the City of London, or their successors, the Sheriffs of the city of London and county of Middlesex, for the time being, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this Act the said Lord Mayor, Aldermen, and Recorder for the time being, of the said city, did or might lawfully use or exercise; and that, notwithstanding any practice or custom of the said city of London to the contrary, it shall be lawful for the Lord Mayor's Court of the city of London to sit on any day on which any Session of the Peace, Oyer and Terminer and Gaol Delivery shall be held within the said city; and that all proceedings of the said Lord Mayor's Court that could or might have been had or taken if such sessions were not held shall and may be had and taken, any practice, custom, or law to the contrary notwithstanding.

XXIV. That this Act shall commence and take effect from and after the 31st of October 1834.

XXV. That this Act may be amended or altered by any Act to be passed in this present session of Parliament.

XXVI. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

CAP. XXXVII.

AN ACT to prohibit any further Lotteries under an Act passed in the First and Second Years of the Reign of His present Majesty, for the Improvement of *Glasgow*.

(25th July 1834.)

CAP. XXXVIII.—IRELAND.

AN ACT to continue, under certain Modifications, to the First Day of *August* One thousand eight hundred and thirty-five, an Act of the Third Year of His present Majesty, for the more effectual Suppression of local Disturbances and dangerous Associations in *Ireland*.

(30th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act further continued, except as repealed by this Act.*
2. *Certain clauses in recited Act relative to the suppression of meetings and to the holding of courts martial repealed.*
3. *Publication of proclamation revoking a former proclamation in whole or in part.*

By this ACT,

After reciting that an Act, 3 Will. 4. c. 4, intituled, 'An Act for the more effectual Suppression of local Disturbances and dangerous Associations in Ireland,' which said recited Act was to continue in force until the 1st of August 1834: And that it is expedient that the said recited Act should, under certain modifications, be further continued for one year:—

It is Enacted,

I. That the said recited Act, except such parts thereof as are hereby repealed, shall be and the same is hereby further continued and shall be in force until the 1st of August 1835.

And after reciting that the said recited Act contains certain enactments and provisions to authorize the Lord Lieutenant or other chief governor or governors of Ireland to prohibit or suppress the meeting of any association, assembly, or body of persons in Ireland, which he or they shall deem to be dangerous to the public peace or safety, or inconsistent with the due administration of the law, and to prohibit any adjourned, renewed, or otherwise continued meeting of the same, or any part thereof, and touching the suppression and dispersion of any such meeting, and the punishment of persons present thereat, and certain other enactments and provisions to authorize the holding of courts-martial, and for constituting and appointing such courts-martial, and for the trial of certain persons before such courts-martial, and for regulating the proceedings of such courts-martial, and for carrying into execution the sentences of such courts-martial: and that it is expedient that all such enactments and provisions in the said recited Act should be repealed:—

It is Enacted,

II. That all such enactments and provisions in the said recited Act be and the same are hereby repealed.

III. That when any Lord Lieutenant of a county, county of a city, or county of a town shall receive any proclamation of the Lord Lieutenant or other chief governor or governors of Ireland revoking any proclamation issued in pursuance of this Act as to the whole or any part of the district thereby proclaimed, such Lord Lieutenant of a county, county of a city, or county of a town, shall forthwith cause a copy of such new proclamation to be affixed on some conspicuous place within the proclaimed district, and thereupon the original proclamation mentioned therein shall stand and be revoked so far as the said new proclamation shall purport to revoke the same.

CAP. XXXIX.

AN ACT to give Costs in Actions of Quare impedit.

(30th July 1834.)

ABSTRACT OF THE ENACTMENT.

Costs may be recovered in actions of quare impedit.—If plaintiff is nonsuited, &c. defendant to have judgment.—Exception.

By this ACT,

After reciting that the delay and expense of recovering advowsons, and the rights of patronage and presentation to ecclesiastical benefices, by actions of quare impedit, are much increased by reason of the defendants in such actions not being liable for the payment of costs, and the true patrons are thereby frequently deterred from the prosecution of their just rights; and it is expedient to afford further protection to incumbents of advowsons from vexatious and unfounded proceedings to disturb them in the enjoyment thereof:—

It is Enacted,

That in all writs and actions of quare impedit issued or brought from and after the passing of this Act in England, Wales, and Ireland, where a verdict shall pass or be given for the plaintiff or plaintiffs in any such writ or action, the plaintiff or plain-

tiffs in every such writ or action, in addition to the damages to which he or they is or are by law now entitled, shall also have judgment to recover his or their full costs and charges against the defendant or defendants therein, to be assessed, taxed, and levied in such manner and form as costs in personal actions are now by law assessed, taxed, and levied: and where in any such writ or action the plaintiff or plaintiffs therein shall discontinue, or be nonsuited, or a verdict shall be had against him or them, that then the defendant or defendants in every such writ or action shall have judgment to recover his or their full costs and charges against the plaintiffs therein, to be assessed, taxed, and levied in manner aforesaid: Provided always, that no judgment for costs shall be had against any archbishop, bishop, or other ecclesiastical patron or incumbent, if the Judge who shall try the cause, or if there shall be no trial by a jury, the court in which judgment shall be given, shall certify that such archbishop, bishop, or other ecclesiastical patron or incumbent had probable cause for defending such action; but in no case when the defence to any such action shall be grounded upon a presentation or presentations, collation or collations previously made to any benefice, shall such presentation or presentations, collation or collations, be deemed or considered probable cause for defending such action.

CAP. XL.

AN ACT to amend an Act of the Tenth Year of His late Majesty King George the Fourth to consolidate and amend the Laws relating to Friendly Societies.

(30th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Repeal of 10 Geo. 4. c. 56. ss. 6, 20, 30, part of ss. 34, 35, 36.
2. Purposes for which societies may be formed under 10 Geo. 4. c. 56.
3. Repeal of 10 Geo. 4. c. 56. s. 4, and part of s. 7.
4. Two transcripts of rules to be submitted to a Barrister, &c., by whom they are to be certified.—Barrister, &c. to certify both transcripts.—Fee payable to barrister.—One transcript to be returned to society, the other to be sent to Clerk of Peace.—Justices to confirm rules.—Transcript to be filed.—Rules, &c. to be binding when certified by Barrister.
5. Barrister not to be entitled to fee in respect of alterations within three years, nor for certificate to rules being copies of those already enrolled.
6. Returns of sickness, &c. to be sent to Barrister.
7. If rules of society direct reference in case of dispute to arbitration, and society refuse to grant arbitrators, &c. Justices may determine the dispute.
8. Provision in case member of society is expelled.
9. Funds of friendly society may be deposited in savings bank.
10. Members of friendly societies may be witnesses.
11. No fee for oaths before Magistrates in obtaining payment of sick pay.
12. Executors, &c. of officers of friendly society to pay money due to society before any other debts.
13. Letters to and from Barristers and Advocate to be free of postage.
14. Provisions of former statutes to continue in force as to societies established under them until they shall conform to the provisions of 10 Geo. 4. c. 56, as hereby amended.—If a society enrolled under Acts repealed by 10 Geo. 4. c. 56. be desirous of altering their rules, the same to be done in conformity to that Act.
15. Construction of words in the Act.
16. Act may be amended.
17. Public Act.

By this Act,

After reciting that it is expedient to alter and amend an Act, 10 Geo. 4. c. 56, intituled, 'An Act to consolidate and amend the Laws relating to Friendly Societies:—

It is Enacted,

1. That so much of the said Act as enacts that no rules shall be allowed unless it shall appear to the Justices to whom the same are tendered that the tables of the payment to be made by the members, and of the benefits to be received by them, may be adopted with safety to all parties concerned; and so much as enacts that the executors, administrators, or assignees of bankrupts or insolvents shall pay money due to friendly societies before any other debts; and so much as enacts that the funds of any friendly society may be subscribed into a savings bank; and so much as requires the returns of the rate of sickness and mortality to be made to the Clerk of the Peace, or as requires Clerks of the Peace to transmit such returns to the Secretary of State, or as provides that the friendly society refusing or neglecting to make such return should cease to be entitled to the privileges of the said recited Act; shall be and the same are hereby repealed.

And after reciting that it is in and by the said recited Act provided that a society may be established for the mutual relief and maintenance of all and every the members thereof, their wives or children, or other relations, in sickness, infancy, advanced age, widowhood, or any other natural state or contingency whereof the occurrence is susceptible of calculation by way of

enjoins: And that it is expedient to extend the object or purpose for which a society may be established under the provisions of the said recited Act:—

It is therefore Enacted,

II. That it shall and may be lawful for any number of persons in Great Britain and Ireland to form themselves into and to establish a society, under the provisions of the said recited Act, for the mutual relief and maintenance of all and every the members thereof, their wives, children, relations, or nominees, in sickness, infancy, advanced age, widowhood, or any other natural state or contingency whereof the occurrence is susceptible of calculation by way of average, or for any other purpose which is not illegal: Provided always, that when the rules of any society provide for relief in any other case than that of sickness, infancy, advanced age, widowhood, or other natural state or contingency as aforesaid, the contributions for such other purpose shall be kept separate and distinct, or the charges defrayed by extra subscriptions of the members at the time such contingencies take place.

III. That so much of the said recited Act as relates to the rules of Friendly Societies being transmitted to the Barrister or Advocate, and deposited with the Clerk of the Peace and certified by him, as well as so much as relates to alterations of rules being certified by the Clerk of the Peace, and that no rule or alteration or amendment should be binding until confirmed by the Justices, and filed under the recited Act, shall be and the same are hereby repealed.

IV. That two transcripts, fairly written on paper or parchment, of all rules made in pursuance of the said recited Act or this Act, signed by three members, and countersigned by the clerk or secretary, (accompanied, in the case of an alteration or amendment of rules, with an affidavit of the clerk or secretary or one of the officers of the said society that the provisions of the said recited Act, or of the Act under which the rules of the society may have been enrolled, have been duly complied with), with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted, in England and Wales and Berwick-upon-Tweed, to the Barrister-at-law for the time being appointed to certify the rules of saving banks, and in Scotland to the Lord Advocate or any deputy appointed by him for that purpose, and in Ireland to such barrister as may be appointed by His Majesty's Attorney General in Ireland, for the purpose of ascertaining whether the said rules of such society, or alteration or amendment thereof, are calculated to carry into effect the intention of the parties framing such rules, alterations, or amendments, and are in conformity to law and to the provisions of the said recited Act or this Act; and that the said Barrister or Advocate shall advise with the said clerk or secretary, if required, and shall give a certificate on each of the said transcripts, that the same are in conformity to law and to the provisions of the said recited Act and this Act, or point out in what part or parts the said rules are repugnant thereto; and that the Barrister or Advocate, for advising as aforesaid, and perusing the rules, or alterations or amendments of the rules, of each respective society, and giving such certificates as aforesaid, shall demand no further fee than that specified in the said recited Act; and one of such transcripts, when certified by the said Barrister or Advocate, shall be returned to the society, and the other of such transcripts shall be transmitted by such Barrister or Advocate to the Clerk of the Peace for the county wherein such society shall be formed, and by him laid before the Justices for such county at the General Quarter Sessions, or adjournment thereof, held next after the time when such transcript shall have been so certified and transmitted to him as aforesaid; and the Justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such transcript shall be filed by such Clerk of the Peace with the rolls of the Sessions of the Peace in his custody, without fee or reward; and that all rules, alterations and amendments thereof, from the time when the same shall be certified by the said Barrister or Advocate, shall be binding on the several members and officers of the said society, and all other persons having interest therein.

V. Provided, That the said Barrister shall be entitled to no further fee for or in respect of any alteration or amendment of any rules upon which one fee has been already paid to the said Barrister within the period of three years: Provided also, that if any rules, alterations or amendments, are sent to such Barrister or Advocate, accompanied with an affidavit of being a copy of any rules, or alterations or amendments of the rules, of any other society, which shall have been already enrolled under the provisions of the said recited Act or this Act, the said Barrister or Advocate shall certify and return the same as aforesaid, without being entitled to any fee for such certificate.

VI. That the returns of the rate of sickness and mortality according to the form prescribed in the Schedule appended to the said recited Act shall be transmitted at the periods therein mentioned to the Barrister or Advocate by whom the rules of the society may have been certified, and shall by such Barrister or Advocate be transmitted to the Secretary of State, for the purposes in the said recited Act provided.

And after reciting that in and by the said recited Act provision is directed to be made by the rules of every society whether reference of any matter in dispute shall be made to Justices or to arbitrators: And that it is expedient that further provision should be made in case the reference is to arbitrators:—

It is therefore Enacted,

VII. That when the rules of any society provide for a reference to arbitrators of any matter in dispute, and it shall appear to any Justice of the Peace, on the complaint on oath of a member of any such society, or of any person claiming on account of such member, that application has been made to such society, or the steward or other officer thereof, for the purpose of having any dispute so settled by arbitration, and that such application has not within forty days been complied with, or that the arbitrators have neglected or refused to make any award, it shall and may be lawful for such Justice to summon the trustees, treasurer, steward, or other officer of the society, or any one of them against whom the complaint is made, and for any two Justices to hear and determine the matter in dispute, in the same manner as if the rules of the said society had directed that any matter in dispute as aforesaid should be decided by Justices of the Peace, anything in the said recited Act contained to the contrary notwithstanding.

VIII. That in case any member of a friendly society established under the said recited Act or this Act shall have been expelled from such society, and the arbitrators or Justices, as the case may be, shall award or order that he or she shall be rein-

ated, it shall and may be lawful for such arbitrators or Justices to award or order, in default of such reinstatement, to the member so expelled, such a sum of money as to such arbitrators or Justices may seem just and reasonable; which said sum of money, if not paid, shall be recoverable from the said society, or the treasurer, trustee, or other officer, in the same way as any money awarded by arbitrators is recoverable under the said recited Act.

ix. That it shall be lawful for any society established under the authority of the said recited Act or this Act from time to time to subscribe the whole or any part of the funds of such society into the funds of any institution which shall have taken the benefit of an Act, 9 Geo. 4. c. 92, intituled, 'An Act to consolidate and amend the Laws relating to Savings Banks,' subject to the provisions in that Act contained relating to friendly societies, except so much thereof as restricts the amount allowed to be invested, which restriction as to the amount allowed to be invested by any friendly society is hereby repealed: Provided always, that it shall not be necessary for the trustees of any savings bank to enrol at the sessions any alteration in the rules of such institution which may be occasioned by the provision herein contained.

x. That on the trial of any action, indictment, or other proceeding respecting the property of any society enrolled under the authority of the said recited Act or this Act, or in any proceedings before any Justice of the Peace, any member of such society shall be a competent witness, and shall not be objected to on account of any interests he may have as such member in the result of such action, indictment, or other proceeding.

xi. That no fee shall be charged to any member of any friendly society whatever for any oath or oaths which he may be legally required to make before a magistrate or magistrates in order to obtain the payment of his sick pay or allowance; any law, usage, rule, or custom to the contrary notwithstanding.

xii. That if any person already appointed or who may hereafter be appointed to any office in a society established under the said recited Act or this Act, and being entrusted with the keeping of the accounts, or having in his hands or possession, by virtue of his said office or employment, any monies or effects belonging to such society, or any deeds or securities relating to the same, shall die, or become a bankrupt or insolvent, or have any execution or attachment or other process issued, or action or diligence raised, against his lands, goods, chattels, or effects, or property or estate heritable or moveable, or make any assignment, disposition, assignation, or other conveyance thereof for the benefit of his creditors, his heirs, executors, administrators, or assignees, or other persons having legal right, or the sheriff or other officer executing such process, or the party using such action or diligence, shall, within forty days after demand made in writing by the order of any such society or committee thereof, or the major part of them assembled at any meeting thereof, deliver and pay over all monies and other things belonging to such society to such person as such society or committee shall appoint, and shall pay, out of the estates, assets, or effects, heritable or moveable, of such person, all sums of money remaining due which such person received by virtue of his said office or employment, before any other of his debts are paid or satisfied, or before the money directed to be levied by such process as aforesaid, or which may be recovered or recoverable under such diligence, is paid over to the party issuing such process or using such diligence; and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment and discharge thereof accordingly.

xiii. That the Barristers and Advocate appointed under the provisions of the said recited Act, 10 Geo. 4. c. 56, shall and may receive and send by the general post, from and to places within the United Kingdom, all letters and packets relating solely and exclusively to the execution of the said recited Act or this Act, free from the duty of postage, provided that such letters and packets as shall be sent to either of the said Barristers or Advocate to be directed to the "Barrister, or Advocate, appointed to certify the Rules of Friendly Societies," at his office in London, Edinburgh, or Dublin, as the case may be, and that all such letters and packets as shall be sent by either of the said Barristers or Advocate shall be in covers, with the words, "Barrister, or Advocate, appointed to certify Rules of Friendly Societies pursuant to Act of Parliament passed in the Tenth Year of the Reign of His late Majesty King George the Fourth," printed on the same, and be signed on the outside thereof under such words with the name of such Barrister or Advocate in his own handwriting, (such name to be from time to time transmitted to the Secretaries of the General Post Office in London, Edinburgh, and Dublin,) and under such other regulations and restrictions as the Lords Commissioners of the Treasury, or any three or more of them, shall think proper and direct; and the said Barrister or Advocate is hereby strictly forbidden so to subscribe any letter or packet whatever except such as he shall himself know to relate solely and exclusively to the execution of the said last-mentioned recited Act or this Act; and if such Barrister or Advocate shall send, or cause or permit to be sent, under any such cover, any letter, paper, or writing, or any inclosure, other than what shall relate to the execution of the said last-mentioned recited Act or this Act, the Barrister or Advocate so offending shall forfeit and pay the sum of 100*l.*, and be dismissed from his office; one moiety of the said penalty to the use of His Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's courts of record at Westminster for offences committed in England, and in any of His Majesty's courts of record in Dublin for offences committed in Ireland, and before the sheriff or stewardry court of the shire or stewardry within which the party offending shall reside or the offence shall be committed for offences committed in Scotland; and if any letter, paper, or writing, or other inclosure, shall be sent under cover to either of the said Barristers or Advocate, the same not relating solely and exclusively to the execution of the said last-mentioned recited Act or this Act, he is hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in London, Edinburgh, or Dublin, as the case may be, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rates of postage.

And after reciting that in and by the said recited Act it was enacted, that provided societies then already enrolled should not conform to the provisions of that Act within the space of three years from the passing of such Act the said societies should then cease to be entitled to the privileges and provisions of any or either of certain Acts thereby repealed, but that the provisions of the said Acts thereby repealed should continue in force as to all societies established under any or either of them before the passing of the said recited Act for the said space of three years, or until they should sooner conform to the provisions of that Act: And that by a certain Act, 2 Will. 4. the said space of three years was extended until Michaelmas Day 1834; and that many friendly societies existing and enrolled before the passing of the said recited Act have not yet conformed to the provisions therein contained; and it is expedient further to extend the time for enrolment under the recited Act:—

It is therefore Enacted,

XIV. That the provisions of the several Acts repealed by the said recited Act shall continue in force as to all societies established under any or either of them before the passing of the said recited Act until they shall conform to the provisions of the said recited Act, as altered and amended by this Act, anything in the said recited Act, or in the said Act, 2 Will. 4, to the contrary contained in anywise notwithstanding: Provided always, that when a society already enrolled under any or either of the Acts repealed by the said recited Act shall be desirous of making any alteration in, amendment of, or addition to, the rules thereof, the said alteration, amendment, or addition shall be made in conformity with the said recited Act as amended by this Act, and such society shall thenceforth be subject to all the provisions and entitled to all the benefits and privileges in the said recited Act and this Act contained.

XV. That wherever in the said recited Act or this Act, in describing or referring to any person, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, unless there be something in the subject or context repugnant to such construction.

XVI. That this Act may be altered, amended, or repealed during the present session of Parliament.

XVII. That this Act shall be deemed a public Act, and shall extend to Great Britain and Ireland and Berwick-upon-Tweed, and be judicially taken notice of as such by all Judges, Justices, and other persons whatsoever, without the same being specially shewn or pleaded.

CAP. XLI.

AN ACT to regulate the Appointment of Ministers to Churches in Scotland erected by voluntary Contribution.

(30th July 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Ministers to places of worship in Scotland built by voluntary contribution, and erected into parochial churches, to be appointed according to the mode prescribed by the church courts.—Saving the rights of patrons.—Proviso for parishes in which are churches erected by voluntary contribution.—Act not to affect powers of Commissioners of Teinds under 6 Ann. c. 9. (S.)
2. One-fifth of sittings to be at rents fixed by church courts.
3. Act not to extend to churches built in any parish by the patron.
4. Providing for churches built by patron and heritors only.

By this Act,

After reciting that in many parishes in Scotland the means of public worship provided by the established church of Scotland are inadequate to the extent of the population; and it is expedient to encourage the erection of additional places of worship by voluntary contribution:—

It is Enacted,

1. That where any church, chapel, or other place of worship in Scotland, built or acquired and endowed by voluntary contribution, shall, according to the provisions of the existing law, be erected into a parochial church, either as an additional church within a parish already provided with a parochial church, or as the church of a separate parish to be erected out of a part or parts of any existing parish or parishes, whether the same be established and erected merely *quoad spiritualia* by the authority of the church courts of the established church of Scotland, or also *quoad temporalia* by authority of the Lords of Council and Session, as Commissioners of Teinds, neither the King's Majesty, nor any private person, nor any body politic or corporate, having right to the patronage of the parish or parishes within which such additional church shall be established, or out of which such new parishes shall be erected, shall have any claim, right, or title whatsoever to the patronage of such newly-established churches or newly-erected parishes; but the appointment of ministers thereto shall be made according to the manner and subject to the conditions which shall be or have been prescribed by the said church courts, subject always to such alterations as shall be made by them according to the laws of the church from time to time: Provided always, that nothing in this Act contained shall extend or be construed to extend to depriving His Majesty, or others, patrons of parishes in Scotland, of their right to present ministers to the existing parochial churches thereof: Provided always, that neither any part of the stipends of ministers appointed for the service of any such additional churches to be erected by voluntary contribution as aforesaid, nor any charge for the support or repairs of any such church, school house, or other building appertaining to the same, nor for the erection or support or repairs of any manse or building for the residence of such ministers, nor for the provision of any glebe for any of such ministers aforesaid, nor for the support of any schoolmaster, shall be imposed on or become chargeable on the lands or to the heritors of any parish or magistrates of towns in which any such church as aforesaid shall be erected or endowed by voluntary contribution as aforesaid: Provided also, that nothing herein contained shall be construed to limit or affect the powers of the Commissioners of Teinds exercised under and according to the provisions of the Act of the Scottish Parliament, 6 Ann. c. 9, intitled 'An Act anent the Plantation of Kirks and Valuation of Teinds.'

II. Provided, That in every church or chapel which may be erected under the authority of this Act not less than one-fifth part of the sittings therein shall be at rents to be fixed by the said church courts.

III. Provided, That this Act shall not extend to any church or chapel built and endowed in any parish by the patron thereof who shall retain every right to which he would have been legally entitled had this Act never been passed into law.

IV. That if in any parish a church or chapel shall be built and endowed at the joint expense of the patron thereof and of one or more heritors therein, and of no other persons, the legal rights of the patron shall take full effect as aforesaid, unless an objection shall be transmitted in writing to the moderator of the presbytery of the bounds, and signed by such a number of the heritors as shall have contributed one-fourth part of the whole sum laid out or to be expended in the said building and endowment, in which case the said church or chapel shall fall within the provisions of this Act.

CAP. XLII.

AN ACT to facilitate the taking of Affidavits and Affirmations in the Court of the Vice-Warden of the Stannaries of Cornwall.

(30th July 1834.)

By this Act,

After reciting that suitors and others having business in the Courts of the Stannaries, held by the Vice-Warden of the said Stannaries, can make affidavits or affirmations relating thereto before the Vice-Warden only; and that it is expedient, and will be for the benefit of such suitors and others, that other persons as well as the said Vice-Warden have authority to take such affidavits or affirmations:—

It is Enacted,

I. That any Commissioner of any of the superior courts of common law at Westminster, having by commission from such courts or any of them authority to take affidavits in matters relating to such courts or any of them, may, without fee or reward, apply for and have, by commission from the said Vice-Warden, under the seal of the Stannaries kept by him, authority to take affidavits or affirmations in all suits and matters relating thereto brought into the court of the said Vice-Warden by way of appeal from the courts of the stewards of the said Stannaries; and that any Master extraordinary of His Majesty's High Court of Chancery may, without fee or reward, apply for and have, by like commission from the said Vice-Warden, authority to take affidavits or affirmations in all other suits, petitions, or matters to be commenced or being in the court of the said Vice-Warden; and that all and every person and persons wilfully swearing or affirming falsely in any affidavit to be made before any person so authorized to take affidavits or affirmations as aforesaid shall be deemed guilty of perjury, and be liable to the penalties of perjury, and be therefore prosecuted in any court of competent jurisdiction.

II. That this Act shall commence and take effect on the 1st of October 1834.

III. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. XLIII.

AN ACT to authorize Persons duly appointed to act as Justices of the Peace in the Islands of Scilly, although not qualified according to Law.

(13th August 1834.)

By this Act,

After reciting that the Islands of Scilly in the county of Cornwall are situated at a considerable distance from the coast of the said county, and great inconvenience to the inhabitants of the said islands, and frequent delays in the administration of Justice, arise by reason of there being no Justice or Justices of the Peace resident in the said islands or any of them, or persons therein resident possessed of such qualification as is required by a certain Act, 5 Geo. 2. c. 18, intituled, 'An Act for the further Qualification of Justices of the Peace,' and by a certain other Act, 18 Geo. 2. c. 20, intituled, 'An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled, "An Act for the further Qualification of Justices of the Peace:"' And that it is expedient that Justices duly appointed in and for the county of Cornwall should be authorized to act as Justices of the Peace within the said islands, although such persons should not be qualified according to the provisions of the said recited Acts or either of them:—

It is Enacted,

I. That it shall be lawful for all persons who shall after the passing of this Act be duly appointed in such and the same manner as other Justices of the Peace acting in and for the said county of Cornwall are now appointed to act as such Justices of the Peace in and for the said Islands of Scilly, and in relation to all felonies, misdemeanors, offences, and trespasses, and all other matters and things happening or arising in the said islands of Scilly in which Justices of the Peace have jurisdiction or authority as Justices of the Peace, without being qualified in respect of property, or taking the oath required as to such

qualification, and without being subject to any penalties or forfeitures or disabilities in the said Acts or either of them specified; anything in the said Acts or either of them to the contrary notwithstanding.

11. That all acts, matters, and things done by any such Justice acting in and for the said islands of Scilly in relation to any felonies, misdemeanors, offences, and trespasses, or other matters and things happening or arising within the said islands of Scilly, and within the jurisdiction or authority of Justices of the Peace, shall be good, valid, and effectual in law, to all in tests and purposes, in the said county of Cornwall, as if such Justices had been and were duly qualified according to the provisions of the said recited Acts, and taken the oath in the said last-recited Act specified, although such Justices shall not be qualified in respect of property, and shall not have taken the oath relating thereto; anything in the said recited Acts or either of them to the contrary notwithstanding.

CAP. XLIV.

AN ACT to regulate the Conveyance of printed Newspapers by Post between the United Kingdom, the British Colonies, and Foreign Parts.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. So much of recited Acts as authorizes clerks in the offices of the Secretaries of State, and officers in the Post Office, to frank printed newspapers, &c. repealed.
2. So much of 6 Geo. 4. c. 68, as relates to conveyance of newspapers by packet boats to and from the colonies repealed.
3. Newspapers to and from the colonies.
4. Newspapers to and from foreign parts.
5. Regulation as to duty on conveyance of newspapers to any foreign port.
6. Newspapers to be sent in covers, open at the sides, &c.
7. Newspapers to be posted within seven days after publication.
8. Newspapers addressed to persons who have removed may be re-directed, and sent to them free of extra charge.
9. Postmaster General, with consent of the Treasury, may contract with editors, &c. of certain unstamped publications for forwarding the same by post, on payment of a yearly sum for each publication.
10. Power to examine and search printed papers sent in covers open at the sides.
11. Papers to be delivered to Postmaster General at such hours as he shall appoint.
12. Nothing herein to oblige persons to send newspapers through the Post Office.
13. Postmaster General, with concurrence of the Treasury, may determine any dispute or question as to what shall be deemed a newspaper.
14. Rates to be carried to and form part of the Consolidated Fund.
15. Actions to be commenced within three months after right of action accrues.
16. Act may be altered this session.

By this Act,

After reciting that by an Act, 4 Geo. 3. c. 24. s. 6, intituled, 'An Act for preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from the Duty of Postage,' reciting that so much as it had been usual for the clerks in the offices of His Majesty's principal Secretaries of State, and also for certain officers in the office of His Majesty's Postmaster General, to frank printed votes and proceedings in Parliament, and printed newspapers to be sent by the post, it was therefore enacted, that it should and might be lawful for such clerks and officers as aforesaid, being thereunto licensed by His Majesty's principal Secretaries of State or His Majesty's Postmaster General respectively, to continue to frank such printed votes and proceedings in Parliament and printed newspapers in such manner as they had theretofore been accustomed to frank the same: And that by an Act, 42 Geo. 3. c. 63. s. 11, intituled, 'An Act to authorize the sending and receiving of Letters and Packets, Votes, Proceedings in Parliament, and printed Newspapers by the Post, free from the Duty of Postage, by the Members of the Two Houses of Parliament of the United Kingdom, and by certain Public Officers therein named, and for reducing the Postage on such Votes, Proceedings, and Newspapers when sent by any other Persons,' it was amongst other things enacted, that the several persons who by virtue of any Act or Acts passed in the Parliament of Great Britain or in the Parliament of Ireland, and then in force, were authorized in respect of their offices to send votes, proceedings in Parliament, and printed newspapers free from the duty of postage, should and might send the same within the United Kingdom in such and the like manner as they had theretofore been accustomed to do: And that it is expedient that the privilege of franking printed votes and proceedings in Parliament and printed newspapers hitherto enjoyed by the clerks in the offices of His Majesty's principal Secretaries of State, and certain officers in the office of His Majesty's Postmaster General, under or by virtue of the said hereinbefore in part recited Acts or otherwise, should be repealed and annulled, and that other regulations should be made for the conveyance of printed newspapers by the post:—

It is Enacted,

1. That from and after the 1st of October 1834, so much and such parts of the said in part recited Acts, 4 and 42 Geo. 3. and of any other Acts as authorize and empower any clerks in the offices of His Majesty's principal Secretaries of State, and any

officers in the office of His Majesty's Postmaster General, to send or receive printed votes and proceedings in Parliament and printed newspapers by the post, free of the duty of postage, shall be and the same is and are hereby repealed; and the said privilege of franking as heretofore enjoyed by the said officers and clerks shall be and the same is hereby wholly annulled.

And after reciting that by an Act, 6 Geo. 4. c. 68, intituled, 'An Act to regulate the Conveyance of printed Votes and Proceedings in Parliament and printed Newspapers by Packet Boats between Great Britain and Ireland and the British Colonies, and also in the United Kingdom,' printed newspapers were authorized to be sent by packet boats from Great Britain and Ireland to any of His Majesty's colonies and possessions beyond the seas, at a rate of 1*d.* each, and newspapers printed within His Majesty's colonies and possessions beyond the seas were authorized to be sent by packet boats to Great Britain and Ireland, at a rate of 3*d.* each: And that it is expedient to authorize the conveyance of printed newspapers by packet boats between the United Kingdom and His Majesty's colonies free of postage:—

It is Enacted,

II. That from and after the 1st of October 1834, so much of the said in part recited Act, 6 Geo. 4. c. 68, as relates to the postage and conveyance of printed newspapers by packet boats to and from His Majesty's colonies and possessions beyond the seas shall be and the same is hereby repealed.

III. That from and after the said 1st of October 1834, it shall and may be lawful to and for His Majesty's Postmaster General for the time being, and his deputy and deputies in Great Britain and Ireland, to receive at any General Post Office printed newspapers liable to the stamp duty, and duly stamped, for conveyance by packet boat from the United Kingdom to any of His Majesty's colonies and possessions beyond the seas, and to forward and convey the same accordingly free of postage; and for His Majesty's Postmaster General and his deputy and deputies in His Majesty's colonies and possessions beyond the seas to receive newspapers printed and published within such colonies or possessions for conveyance by packet boats to Great Britain or Ireland, and to deliver the same by the General Post within the United Kingdom free of the duty of postage.

IV. That from and after the said 1st of October 1834, it shall and may be lawful for His Majesty's Postmaster General for the time being, and his deputy and deputies in Great Britain and Ireland, to receive at any General Post Office printed newspapers liable to the stamp duty, and duly stamped for conveyance by packet boats from Great Britain and Ireland to any port out of the United Kingdom, other than His Majesty's colonies and possessions, and to forward the same accordingly free of the duty of postage, and that newspapers printed in any kingdom or state beyond the seas, other than His Majesty's colonies and possessions, and brought into the United Kingdom by packet boats, shall and may (if printed in the language of the foreign kingdom or state from which the same shall be forwarded, but not otherwise), be delivered by the General Post within the United Kingdom free of the duty of postage: Provided always, that before any newspapers to or from any foreign port shall be permitted to be conveyed or delivered free of postage, under the provisions of this clause, satisfactory proof shall have been laid before the Postmaster General for the time being that printed newspapers sent from Great Britain or Ireland, addressed to any person or place in any foreign kingdom or state, are allowed to pass by the post within any such foreign kingdom or state free of postage, and also that newspapers addressed to any person or place in Great Britain or Ireland from any such foreign kingdom or state are allowed to pass by the post within such foreign kingdom or state free of postage; and it is hereby further declared, that as to every newspaper put into any General Post Office within Great Britain or Ireland for conveyance by packet boat, addressed to any person or place in any foreign kingdom or state in which printed newspapers from Great Britain or Ireland shall not be allowed to pass by the post free of postage, it shall be lawful for His Majesty's Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid), and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand, have, receive, and take for the conveyance of every such printed newspaper to any foreign port the sum of 2*d.*, to be paid when the same shall be put into the Post Office; and as to every newspaper addressed to Great Britain or Ireland, and brought into the United Kingdom, from any foreign kingdom or state in which such printed newspapers shall not be allowed to pass by the post free of postage, it is hereby declared that it shall be lawful for His Majesty's Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid), and his deputy and deputies, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take for the conveyance of every such newspaper by the General Post the sum of 2*d.* on delivery thereof by such post to the person to whom the same shall be addressed, over and above and in addition to any postage charged thereon by any foreign post office, provided every such paper be printed and published in the language of the kingdom or state from which the same shall be forwarded.

And after reciting that circumstances may arise which may render it expedient again to impose and demand the said respective rates of 2*d.* by the said last hereinbefore mentioned clause granted, after the same shall have ceased to be demanded by reason of such satisfactory proof having been laid before the Postmaster General for the time being as aforesaid:—

It is Enacted,

V. That it shall be lawful for His Majesty's Postmaster General for the time being, by and with the consent of the Lords Commissioners of His Majesty's Treasury, or any three or more of them, at any time after such satisfactory proof shall have been laid before His Majesty's Postmaster General for the time being as aforesaid, again to impose, demand, and receive the said respective rates of 2*d.* for the conveyance of any such printed newspaper to any foreign port, and on the delivery of any such printed newspaper from any foreign kingdom or state, whenever it shall be deemed expedient so to do.

VI. That no newspaper shall be sent by the post under the provisions of this present Act, unless every such paper be sent without a cover, or in a cover open at the sides, and that there be no words of communication printed on such paper after the same shall have been published, nor any writing or marks upon such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, and so that there be no paper or thing inclosed or concealed in or with such printed paper or the cover thereof, nor any printed words or communication on the cover thereof.

VII. That every printed newspaper to be sent out of the United Kingdom under the provisions of this Act shall in all cases

be put into a Post Office or Receiving Office in Great Britain or Ireland within seven days next after the day on which the same shall be published, the day of publication to be ascertained by the date of such paper; and in case any such paper shall be put into any Post Office at any time after the expiration of such seven days, it shall and may be lawful for His Majesty's Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper or to forward the same by the post, charged with the full duty of letter postage according to the rates now established by law.

VIII. That in case any person to whom any printed newspaper brought into the United Kingdom under the provisions of this Act shall be directed shall have removed from or quitted the place to which such newspaper shall be addressed prior to the delivery thereof at such place, any such newspaper, on arriving or delivery at the place of its address, shall and may (provided the same shall not have been opened or used, but not otherwise) be re-directed, and forwarded by the post to such person at any other place within the United Kingdom, free of any charge for such extra conveyance; but if any such newspaper shall have been opened or used, the same shall, on re-direction, be charged and chargeable with the rate of a single letter, from the place at which such newspaper shall be re-directed or re-posted to the place at which it shall be ultimately delivered.

And after reciting that under and by virtue of the said in part recited Acts, 4 and 42 George 3, and the privilege thereby conferred, certain unstamped publications have from time immemorial been sent by the General Post from London to places within the United Kingdom, at certain small annual charges, and much injury and inconvenience may arise to the public by the repeal of such privilege in regard to the said publications:—

It is therefore Enacted,

IX. That it shall be lawful for His Majesty's Postmaster General for the time being, and he is hereby authorized and empowered, with the consent and approbation of the Lords Commissioners of His Majesty's Treasury, or any three or more of them, from time to time to contract, compound, and agree with the editor, proprietor, or publisher of any such unstamped publication, as hath hitherto been sent by the post under the privilege aforesaid, for forwarding the same by the General Post within the United Kingdom, on payment to His Majesty's Post Office Revenue yearly of such a sum of money for each such publication as may from time to time be agreed on, so as every such publication be sent without a cover, or in a cover open at the sides, and there be no words or communication printed on any such publication after the same shall have been published, nor any writing or marks upon such publication or the cover thereof, other than the name and address of the person to whom it is sent, and so that there be no paper or thing inclosed or concealed in or with any such publication or the cover thereof, nor any printed words or communication on the cover thereof; and the forwarding of such publications by the post shall be subject to all such other regulations as the Postmaster General may deem expedient.

X. That it shall be lawful for His Majesty's Postmaster General and his deputy and deputies, or any of the officers employed under him or them respectively, to examine and search any printed paper or packet which under the provisions of this present Act shall be sent by the post without a cover, or in a cover open at the sides as aforesaid, in order to discover whether any words or communication have or has been printed on such paper after the same was published, or whether there is any writing or mark upon such printed paper or the cover thereof other than the name and address of the person to whom it is sent, or whether there is any paper or thing inclosed or concealed in or with such printed paper or the cover thereof, or whether there are any printed words or communication on the cover thereof, or whether the papers brought into the United Kingdom from any foreign kingdom or state shall be printed and published in the language of the kingdom or state from which they shall have been forwarded; and also, in order to discover whether the newspapers printed and posted in the United Kingdom shall be duly stamped, and in case any words or communication shall be found to have been printed on any such paper after the same was published, or any writing or mark shall be found on any such printed paper or the cover thereof other than the name and address of the person to whom it is sent, or any other paper or thing shall be found to be inclosed or concealed in or with such printed paper or the cover thereof as aforesaid, or any printed words or communication shall be found upon the cover thereof, or in case any newspaper brought into the United Kingdom from any foreign kingdom or state shall not be printed and published in the language of the kingdom or state from which the same shall have been forwarded, the whole of every such packet addressed and delivered to any person within the United Kingdom shall be charged with treble the duty of letter postage according to the rates now established by law: and as to every such paper or packet going out of the United Kingdom it shall be lawful for the Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper or packet or to forward the same by the post, charged with the duty of letter postage; and in case any newspaper printed and posted in the United Kingdom and sent by the post under the provisions of this Act shall appear not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps either at London or Dublin, as the case may be.

XI. That all printed papers to be conveyed by the post under the provisions of this Act shall be delivered to the Postmaster General, or his deputy or deputies, at such hours in the day and under all such regulations as the Postmaster General for the time being shall in his discretion from time to time appoint.

XII. That nothing herein contained shall be construed to oblige any person or persons to send any printed newspapers to or from places beyond the seas through His Majesty's Post Office, but that it shall and may be lawful for all persons to send such printed newspapers to and from places beyond the seas in any manner they may find practicable or convenient.

XIII. That in all cases in which any dispute, controversy, or question shall arise whether any printed paper sent or offered to be sent by the post, under the provisions of this Act or any other Act relating or referring to the Post Office, is to be considered and deemed a newspaper within the intent and meaning of this Act or any other Act relating or referring to the Post Office, or whether any such printed paper is entitled to the exemptions and privileges of a newspaper so far as to authorize the transmission of the same by the post free of postage, the question shall be referred to the judgment and determination of the Postmaster General for the time being, whose decision, with the concurrence of any three or more of the Lords Commissioners of His Majesty's Treasury, shall be final and conclusive on all persons whomsoever.

XIV. That the several rates and duties hereinbefore granted shall be paid from time to time into the hands of the Receiver General for the time being in England and Ireland of the revenue of the Post Office, who shall pay the same (the necessary charges for collecting, paying, and accounting for the same being first deducted) into the receipt of His Majesty's Exchequer, on such days and times and in such manner as the rates and duties of postage by any Act or Acts in force at or immediately before the passing of this Act are directed to be paid; and the said duties so to be paid into the said receipt as aforesaid shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

XV. That no action or suit shall be commenced against any person or persons for anything done in pursuance of this Act, unless within three calendar months after the right of action shall have accrued, and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence, and that the same was done in pursuance of and by the authority of this Act; and if it shall appear so to be done, or the action or suit shall be commenced after the time before limited for bringing the same, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in any other cases by law.

XVI. That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XLV.

AN ACT to amend an Act of the present Session, for altering and consolidating the Laws for regulating the Pensions and Allowances to Persons in respect of their having held Civil Offices in His Majesty's Service.

(13th August 1834.)

ABSTRACT OF THE ENACTMENT.

Excepting Magistrates of Police Offices from the operation of the recited Act.

By this Act,

After noticing that, by an Act, 4 Will. 4. c. 24, intituled, 'An Act for altering and amending and consolidating the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service,' reciting that the Commissioners of the Treasury did, by a minute dated 4th of August 1829, record their intention to adopt certain regulations, with a view to reduce prospectively the charge incurred in providing superannuation allowances, it is enacted that from and after the passing of that Act an annual abatement after certain rates therein specified shall be made from the salaries and emoluments of the several officers and persons employed in the several civil offices and departments therein specified, who have since the date of the said minute entered or thereafter shall enter the public service; and that in cases of all persons whomsoever then holding office and entitled to superannuation allowance under that Act, who shall have been appointed to such office subsequently to the issue of the said Treasury minute, and who shall thereafter, upon promotion, obtain any increase of salary or allowances in respect of their offices, an annual abatement, after the like rate, shall be made from the amount of such increase from time to time, commencing from the period when the same shall take place; And that it is expedient that the said Act be altered and amended, so far as the same relates to an abatement from the salaries of the Magistrates appointed to the public office in Bow Street or to the several police offices in the counties of Middlesex and Surrey:—

It is Enacted,

That no such abatement as in the said recited Act is directed shall be made from the salary of any person appointed before the passing of this Act to execute the duties of a Justice of the Peace at the public office in Bow Street or at any of the police offices in the counties of Middlesex and Surrey; anything in the said recited Act to the contrary thereof in anywise notwithstanding.

CAP. XLVI.—IRELAND.

AN ACT to amend an Act passed in the Fifty-eighth Year of King *George* the Third, for establishing Fever Hospitals, and to make other Regulations for Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers, in Ireland.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Bishops, &c. may grant six roods of land out of their sees for sites of houses for reception of poor.
2. Tenants of particular estates may demise six roods of land for same purpose at full improved yearly value.
3. Voting by subscribers to fever hospitals.

By this Act,

After noticing that by an Act, 58 Geo. 3. c. 47, intituled, 'An Act to establish Fever Hospitals, and to make other Regulations for the Relief of the suffering Poor, and for preventing the Increase of Infectious Fevers, in Ireland:' And that by the said recited Act it is amongst other things provided, that it shall and may be lawful for every archbishop and bishop in Ireland to grant any portion of ground or land within any county, city, or town respectively, not exceeding four roods, out of the estates of their respective sees, to any body politic and corporate created by virtue of the said recited Act, for such estates and on such terms as therein mentioned, for the sites of houses to be built for the reception of the helpless poor intended to be relieved under the provisions of the said recited Act: And that it has been found that the quantity of land or ground which such archbishops or bishops are by the said Act so enabled to grant is insufficient for the purposes of the said recited Act, and it is expedient that the said recited Act should be amended in that and in other respects:—

It is Enacted,

I. That it shall and may be lawful for every archbishop and bishop in Ireland and they are respectively authorized and empowered to grant, out of the estates of their respective sees, any portion of ground or land, not exceeding six roods, plantation measure, to any body politic and corporate, created under the said recited Act, for the sites of houses to be built for the reception of the helpless poor intended to be relieved under the provisions of the said recited Act, for such estate or estates, either in fee, for lives renewable or not renewable, or for years as they shall think fit, at such rent and fines as such archbishop or bishop shall think fit, or without any rent or fine, if such archbishop or bishop shall think fit; and all such grants or leases shall have the same validity and effect as any grants or leases which such archbishops or bishops are authorized and empowered to make under the provisions of the said recited Act; and it shall be lawful for any such body politic or corporate to purchase, take, hold, and enjoy any quantity of ground or land within any such county, city, or town, not exceeding six roods, plantation measure, for the purposes aforesaid; the statute of Mortmain or any other statute or law to the contrary notwithstanding.

And after noticing that it is expedient that tenants for particular estates should be enabled to demise lands for the purposes of the said recited Act:—

It is further Enacted,

II. That it shall and may be lawful for any tenant for life or lives, or tenant in tail, or tenant for any determinable fee of any lands or tenements within any county, city or town in Ireland, and he and they are hereby authorized and empowered, to demise any portion of such lands or tenements, not exceeding six roods, plantation measure, to any body politic and corporate, created under the provisions of the said recited Act, to be held by such body politic or corporate for the purposes in the said recited Act mentioned, either for life or lives or years, or for lives renewable or not renewable, as they shall think fit, reserving thereout such yearly rent as shall be agreed upon by and between such person or persons and such corporation respectively: Provided always, that no fine shall be taken or paid on the making any such lease or demise, and that the rent reserved on such lease or demise shall not be less than the full improved yearly value of such lands or tenements at the time of making the same; and each and every such lease or demise shall be good and valid against all persons claiming or who may hereafter claim such lands or hereditaments in reversion, expectancy, or remainder; any other law or usage to the contrary notwithstanding.

III. That no person who shall become a subscriber to any such hospital at any time after the passing of this Act shall be permitted to vote at the election of any surgeon, physician, apothecary, or other officer or person to be employed or retained in or about such fever hospital, unless he or she shall have respectively been a subscriber to such hospital for one year at least before such election shall take place.

CAP. XLVII.

AN ACT for preventing the Interference of the Spring Assizes with the *April* Quarter Sessions.

(13th August 1834.)

By this Act,

After noticing that by an Act, 1 Will. 4. c. 70, intituled, 'An Act for the more effectual Administration of Justice in England and Wales,' it is directed, that the Justices of the Peace in every county, riding, or division for which Quarter Sessions of the Peace ought by law to be held shall hold their General Quarter Sessions of the Peace (among other times) in the first week after the 28th of December and in the first week after the 31st of March: And that, in some counties of England and Wales the time usually fixed for holding the Spring Assizes interferes with the due holding of the last-mentioned Quarter Sessions; and although the Justices of the Peace have authority to hold General Sessions of the Peace at other times of the year besides those specified in the said recited Act, such sessions are not Quarter Sessions within the intent of various Acts of Parliament which give jurisdiction to Justices of the Peace in their Quarter Sessions or in their General Quarter Sessions; and for the purpose of preventing the inconvenience arising from such interference as aforesaid it is expedient to allow to the Justices of the Peace a discretion as to the time of holding their General Quarter Sessions, which they are now required to hold in the week next after the 31st of March:—

It is Declared and Enacted,

That in every county, riding, or division for which General Quarter Sessions ought to be held it shall be lawful for the Justices assembled in their General Quarter Sessions in the week next after the 28th of December in every year to name (if they shall see occasion so to do) two Justices of the Peace who shall be empowered, as soon as may be after the time for holding the Spring Assizes shall be appointed, to fix the day for holding the next General Quarter Sessions of the Peace for such county, riding, or division, so as such time shall not be earlier than the 7th of March nor later than the 22nd of April, and to give notice of the day so fixed by advertisement in such newspapers as shall be directed by the Justices so assembled; and in every such case the General Quarter Sessions held on the day so fixed and notified shall be valid, and it shall not be necessary to hold any Sessions of the Peace for such county, riding, or division in the week next after the 31st of March, anything in the said recited Act to the contrary notwithstanding: Provided always, that in every county, riding, and division where no other day shall be fixed in the manner hereinbefore mentioned, the Justices of the Peace shall hold their General Quarter Sessions of the Peace in the week next after the 31st of March, as by the said recited Act they are required.

CAP. XLVIII.

AN ACT to regulate the Expenditure of County Rates and Funds in aid thereof.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *All business relating to the assessment and application of county rate shall be transacted in open court.*
2. *Notice thereof to be given.*
3. *Act to extend to counties in England and Wales only.*

By this Act,

After noticing that by divers statutes now in force the Justices of the Peace in that part of Great Britain called England, within the respective limits of their commissions assembled at their General or Quarter Sessions, or at any adjournment or adjournments thereof, are authorized and empowered to make and assess the county rate, and also to make orders for the application or management of the county stock or rate, and of any fund or funds used or applied in aid thereof: And that doubts have arisen whether, under the powers and directions of the said statutes, it is requisite that the business relating to the assessment, application, or management of the said county stock or rate, and of the funds in aid thereof, should be carried on and transacted by the said Justices so assembled as aforesaid publicly and in open court at such General or Quarter Sessions, or any adjournment thereof; and a practice hath in some counties prevailed of transacting such business in private, which hath been found inexpedient: And for the removal of such doubts, preventing of such practice for the future:—

It is Declared and Enacted,

1. That from and after the passing of this Act all business appertaining to the assessment, application, or management of the county stock or rate, or of any fund or funds used or applied in aid thereof or contributory thereto, or to any matter or thing whereby or in respect whereof the said county stock or rate is or may be chargeable by law, which by any statute or statutes now in force the Justices of the Peace for that part of Great Britain called England are authorized and directed to do and transact at the General or Quarter Sessions, or at any adjournment thereof, shall be done and transacted publicly and in open court at such General or Quarter Sessions, or adjournment thereof, and not otherwise; and that no order of such Justices

relating to the matters aforesaid shall be binding or effectual unless the said order shall have been made and the business relating thereto shall have been done and transacted publicly and in open court as aforesaid.

II. That public notice shall be given, in two newspapers generally circulating in the county, of the time of holding the General or Quarter Sessions, or any adjournment thereof, at least two weeks before the time of holding the same, and also of the day and hour at which the business relating to the assessment, application, or management of the county stock or rate will commence at such sessions.

III. That this Act shall extend and apply only to Justices of the Peace of the several counties at large in England and Wales and of the several counties of cities and counties of towns within the same.

CAP. XLIX.

AN ACT to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King George the Fourth, relating to Weights and Measures.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Provisions in recited Acts as to models and copies of standard weights and measures repealed.
2. Weights and measures stamped at the Exchequer declared legal, although not similar in shape to those required by recited Acts.
3. Superintending officer of Exchequer may verify and stamp weights and measures of other form than those prescribed by the Act 5 Geo. 4. c. 74.
4. Heaped measure abolished after 1st of January 1835.
5. Copies of the imperial standards to be provided, by order of Magistrates in Quarter Sessions for counties in England and Wales, and by meetings of Justices in Scotland.
6. Copies to be provided by Grand Juries in Ireland.
7. Judges may order copies in counties in Ireland when it has not been done by Grand Juries.
8. Power of providing additional copies when requisite.
9. Return to be made by Clerks of the Peace on the 1st of March 1836.
10. Power to Magistrates of towns, &c. to provide copies of the imperial standards.
11. Weigh-masters in Ireland to be supplied with beams and scales and accurate copies.
12. The stone weight, hundred weight, and ton.
13. All articles to be sold by avoirdupois, except as herein stated.
14. All weights and measures to be stamped by inspectors.—Penalty for making any other measures or weights, or using any unstamped, light, or defective weights and measures.
15. Regulation as to fair prices of commodities in Scotland.
16. Inspectors to enter into recognizance.
17. Power to Magistrates to inspect weights and measures.
18. Penalty for counterfeiting stamps on weights and measures.
19. Copies of the standard weights and measures which shall have been worn and mended, to be sent to the Exchequer to be re-verified.
20. Officer at Exchequer to keep a register of copies verified.
21. As to penalties in England and Ireland.
22. Form of conviction.
23. Appeal to next General Quarter Sessions of the Peace.
24. As to penalties in Scotland.
25. Appeal in Scotland to Commissioners of Justiciary at Circuit Court.
26. 4 Ann. (1.) and 5 Geo. 4. c. 110. repealed, except so far as relate to duties, &c. of weigh-masters.
27. Powers of Ward Inquests, &c. not to be interfered with.
28. Rights of Founders Company reserved.
29. In actions, Magistrates may plead the general issue.
30. Act may be amended, &c. this session.

By this Act,

After noticing an Act, 5 Geo. 4. c. 74, intituled, 'An Act for ascertaining and establishing Uniformity of Weights and Measures' And another Act, 6 Geo. 4. c. 12, intituled, 'An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said Act' And that, notwithstanding the provisions of the said recited Acts, many sets of weights and measures of old ununiformed and different shapes have been made and verified and stamped by the Chamberlains as well as by the Auditor in the Exchequer, as models of the said new standards, and have been used as standard weights and measures under the said recited Acts, although different in shape and form from the standards prescribed by the said recited Act, 5 Geo. 4. aforesaid: and it is therefore expedient that such standard weights and measures should be made legal, and that the Auditor or Comp-

troller General, or some other superintending officer of the Exchequer, should be empowered to compare and verify, and stamp as so compared and verified, standards of length, weight, or measure, although not exact models and copies in shape and form of the respective standards of length, weight, and measure deposited under the provisions of the said first-recited Acts in the office of the said Chamberlains and Auditor: And that it is expedient that after a limited period the use of all weights and measures, not in conformity with the weights and measures established by the said recited Acts, should be prohibited, and that the use of the heaped measure should be abolished:—

It is Enacted,

I. That so much of the said recited Acts as require that all weights and measures shall be models and copies in shape or form of the standards deposited in the Exchequer, and also so much of the said recited Acts as allow the use of weights and measures not in conformity with the imperial standard weights and measures established by the said Acts, or allow goods or merchandise to be bought or sold by any weights or measures established by local custom or founded on special agreement, shall be and the same are hereby repealed.

II. That all weights and measures which have been so verified and stamped at the Exchequer as copies of the standard weights and measures, corresponding in weight and capacity with those established by the said recited Acts, shall be deemed and taken to be legal weights and measures, and may be legally used for comparison as copies of the imperial standard weights and measures, although not similar in shape to those required under the provisions of the said recited Acts.

III. That the Auditor or Comptroller General, or some other superintending officer of the Exchequer at Westminster, may compare and verify, and stamp as so compared and verified, as correct standard measures of a yard, and as correct standard weights, and as correct standard measures of capacity, any weights and measures which shall correspond in length, weight, and capacity with the standards, or parts or multiples thereof respectively, deposited in the Exchequer under the said Act, 5 Geo. 4. c. 74, although such weights and measures may not be models or copies in shape or form of the standards so deposited as aforesaid; anything in the said recited Acts to the contrary notwithstanding.

And after noticing that the heaped measure is liable to considerable variation, and the use of weights made of soft materials affords facilities to fraud—

It is therefore Enacted,

IV. That from and after the 1st of January 1835, so much of the said recited Acts as relate to the heaped measure shall be and are hereby repealed; and that the use of the heaped measure shall be abolished, and that all bargains, sales, and contracts made by the heaped measure after the said 1st of January 1835, shall be null and void; and thereafter no weight made of lead or of pewter shall be stamped or used.

And for carrying more fully into effect the provisions of the said recited Acts regarding the providing of copies of the imperial standard weights and measures:—

It is Enacted,

V. That at the General Quarter Sessions of the Peace next after the passing of this Act the Magistrates of every county or county of a city in England and Wales in Quarter Sessions assembled, and in Scotland the Justices of the Peace at a meeting to be called for the purpose by the Sheriff of each county, and the Magistrates of each royal burgh, within three months after the passing of this Act, shall respectively determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their counties, counties of cities, and burghs respectively, and shall direct that such copies, verified and stamped at the Exchequer, shall be provided for the use of the same, and shall be deposited at certain central and convenient places, to be fixed upon by the said Magistrates so assembled, under the care of an inspector or inspectors of weights and measures, to be by the said Magistrates appointed and dismissed as occasion may require.

VI. That in Ireland the Grand Jury of every county, county of a city, or county of a town shall, at the Spring Assizes next ensuing after the passing of this Act, determine the number of copies of the imperial standard weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their counties, counties of cities, or counties of towns respectively, and, where copies shall not have been already provided, shall direct that such copies, verified and stamped at the Exchequer, shall be procured for the use of the same, and such copies shall be deposited at certain central and convenient places, to be fixed upon by the said Grand Juries so assembled, under the care of an inspector or inspectors of weights and measures, to be by the said Grand Juries appointed and dismissed as occasion may require; and the expenses attending the providing such copies of the imperial standard weights and measures, and for affording the necessary remuneration to the inspectors, shall be provided for and paid by presentments to be made by the Grand Juries on such counties, counties of cities, and counties of towns respectively.

VII. That in Ireland the senior Judge shall, before the close of the Spring Assizes aforesaid, inquire whether one complete set of such copies of the imperial standard weights and measures had been provided or ordered in each county, county of a city or town; and in every case in which it shall not appear to him that one set at least of such copies has been provided or ordered, such Judge shall forthwith order the Treasurer of the county, county of a city or town, to provide one complete set of such copies, and every such order shall have the effect of a presentment on the county at large for such sum as may be necessary to procure a complete set of such copies; and such Treasurer shall, within three calendar months next after he shall receive such order, fully execute the same, or failing so to do shall forfeit the sum of 50*l.* sterling.

VIII. That in case the number of copies of the imperial standard weights and measures provided as aforesaid for comparison in any county, county of a city, or royal burgh, or county of a town, in the United Kingdom, shall be found insufficient, or that any of them shall have been lost or injured, it shall be lawful in England and Wales and in Scotland for the Magistrates so assembled as aforesaid, between the 1st and 25th of October in each year, and in Ireland for the Grand Juries at the Spring

Assizes in each year, to direct that new or additional copies shall be provided for the use of their respective counties, counties of cities, royal burghs, and counties of towns, and to determine the places in which such copies shall be kept, and to appoint an additional inspector or inspectors for the care of such copies as occasion may require, and that all expenses incurred thereby shall be provided for and paid according to the modes hereinbefore set forth.

X. That the Clerk of the Peace of every county of the United Kingdom shall, on the 1st of March 1836, transmit a return to the Secretary of State for the Home Department, which return shall be forthwith laid before Parliament, specifying the dates and terms of all determinations of Magistrates of counties, or of counties of cities, or of counties of towns, or of Magistrates of royal burghs, as to the number of copies of the imperial standard weights and measures which they shall have deemed requisite for their counties, counties of cities, or counties of towns, and burghs respectively, as also of all such determinations made by any Grand Jury, or of orders made by any Judge of Assize, in Ireland, and which return shall specially set forth how far such determinations and orders have before the date of such returns been complied with by the weights and measures so ordered having been provided in the several instances set forth in such determinations or orders; and any Clerk of the Peace who shall neglect to make such return shall be liable to a penalty of 50*l*.

XI. Provided, That in all other cities or towns, liberties or places, possessing corporate or other legal jurisdiction, and which have been or shall be hereafter supplied with copies of the imperial standard weights and measures, it shall be lawful for the Magistrates of such cities, towns, liberties, or places to appoint an inspector or inspectors of weights and measures within the limits of their respective jurisdictions; and that such inspectors so appointed shall, within such limits, have the same powers and discharge the same duties as the inspectors of weights and measures appointed under this Act by the county Magistrates or Grand Juries for their respective counties.

XII. That in every city or town not being a county of itself, every individual or individuals or body corporate in Ireland, exercising the privilege of appointing a weighmaster, shall, on or before the 1st of July 1835, or within three months after the set of copies of the imperial standard weights and measures for the county in which such rights shall be exercised shall have been provided, supply such weighmaster with accurate beams and scales, and with a set of accurate copies in respect of weight, capacity, and length, of the county set, under a penalty of 20*l*.; and the accuracy of such set of copies shall be certified under the hand of some inspector of weights and measures; and such set of copies shall, for the purpose of comparison and verification, be considered copies of the imperial standard weights and measures required by this Act, and shall be used for no other purpose whatever, under a penalty of 5*l*.; and once at least in every five years, under the like penalty, the same shall be re-adjusted by some set of copies of the standard weights and measures which shall have been verified by the Exchequer standard; and the weighmaster shall produce to every Magistrate requiring the same; and to any person whose weights or measures shall have been detained on comparison with the copies under the care of such weighmaster, the certificate of the adjustment or re-adjustment thereof, under the hand of the inspector in charge of the set of copies with which the same shall have been compared and re-adjusted; and such weighmaster may demand and receive the same fees as may be demanded by any inspector under this Act.

And after reciting, that by local customs in the markets, towns, and other places throughout the United Kingdom, the denomination of the stone weight varies, being in the country generally deemed to contain fourteen pounds avoirdupois, and in London commonly eight of such pounds, or otherwise, as may be:—

It is Enacted,

XIII. That from and after the 1st of January 1835 the weight denominated a stone shall in all cases consist of fourteen standard pounds avoirdupois, and that the weight denominated an hundred weight shall consist of eight such stones, and that the weight denominated a ton shall consist of twenty such hundred weight; and all contracts made by any other stone, hundred weight, or ton, from and after the 1st of January 1835, shall be null and void.

XIV. That from and after the 1st of January 1835 all articles sold by weight shall be sold by avoirdupois weight, excepting gold, silver, platina, diamonds, or other precious stones, and drugs when sold by retail; and that such excepted articles, and none others, may be sold by troy weight.

And after noticing that the bushel measure commonly called or known by the name of the Winchester bushel, and also the lineal measure commonly called the Scotch ell, and other customary or local measures, still continue to be used in divers places in the United Kingdom, contrary to the provisions of the said recited Acts:—

It is Enacted,

XV. That in England and Wales the Magistrates at Quarter Sessions assembled, and in Scotland the Justices of the Peace at a meeting called by the Sheriff, and in Ireland the Grand Jury of each county and county of a city or town, shall procure for the use of the inspectors good and sufficient stamps for the stamping or sealing all weights and measures used or to be used in such county, which stamp, so procured, shall be taken to be the stamp for such county, and none others shall be considered legal stamps; and that all weights and measures whatsoever used for buying and selling, or for the collecting of any tolls or duties, or for the making of any charges on the conveyance of any goods or merchandize, shall be examined and compared with one of the copies of the imperial standard weights and measures provided under the authority of this Act for the purpose of comparison by such inspectors appointed as aforesaid, who shall stamp, in such manner as best to prevent fraud, such weights and measures when so examined and compared as aforesaid, if found to correspond with the said copy, the fees for which examination, comparison, and stamping shall be according to the scale contained in the schedule to this Act annexed; and all persons who, after the 1st of January 1835, in England and Wales and in Scotland, or after the 1st of July 1835 in Ireland, shall make any weights or measures other than those authorized by this Act, or shall sell, expose to sale, or use any weights or measures which have not been so stamped as aforesaid, or which shall be found light or otherwise unjust, shall on conviction forfeit a sum not exceeding 5*l*.; and that any contract, bargain, or sale made by any such weights or measures shall be wholly null and void, and that all such light or unjust weights and measures so used shall be seized, forfeited, and condemned.

xv. That in Scotland, from and after the 1st of January 1835, the fair prices of all grain in every county shall be struck by the imperial quarter, and all other returns of the prices of grain shall be set forth by the same, without any reference to any other measure whatsoever; and that any sheriff clerk, clerk of a market, or other person who shall offend against this provision shall forfeit a sum not exceeding 5*l.* or less than 2*s.*

xvi. That every person appointed an inspector of weights and measures as aforesaid shall forthwith enter into a legal security to the King, to be sued for in any court of record, in the sum of 100*l.*, for the due and punctual performance of the duties of his office, and for the safety of the copies committed to his charge, and for their due restoration immediately on his removal or other cessation from office; and every such inspector shall, on receiving due notice, attend to examine, compare, and stamp, if so required and found correct, such weights and measures as shall be produced to him; and he shall keep a book, wherein he shall enter minutes of all such comparisons, and give a certificate under his hand of every such stamping or verification, if required so to do.

xvii. That it shall be lawful for any two or more Magistrates of any county, or of any city or town being a county within itself, or for any sheriff or Magistrates of any burgh or town corporate in Scotland, within their respective districts, to enter any shop, store, warehouse, stall, yard, or place whatsoever, wherein goods shall be exposed or kept for sale, or shall be weighed for conveyance or carriage, and there to examine all weights and measures, beams and scales, or other weighing machines, and to compare and try the same with the copies of the imperial standard weights and measures required or authorized to be provided under this Act, and to cause the same to be taken possession of and detained until they shall have been examined by the nearest inspector; and if upon such examination it shall appear that the said weights or measures, beams, and scales, or other weighing machines, are light or otherwise unjust, the same shall be forfeited and destroyed, and the person or persons in whose possession the same were found shall be liable in a penalty of any sum not exceeding 5*l.*: Provided always, that any person who shall neglect or refuse to produce for the inspection of such Magistrates, when thereto required, all weights and measures, beams, scales, or other weighing machines which shall be in his possession, or shall otherwise obstruct or hinder such Magistrates, shall be liable to a like penalty, and also that no such pecuniary penalty shall be incurred if he, she, or they shall prove to the satisfaction of such Magistrates that such weights and measures, beams and scales, or other weighing machines produced or found in his possession, have not been in use since the passing of this Act.

xviii. That if any person or persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, and counterfeiting, any stamp or mark now used or which may hereafter from time to time be used for the stamping or marking of any weights or measures, to denote that any such weight or measure has been compared, adjusted, and approved to be of the due weight or measure required by law, shall for every such offence forfeit a sum not exceeding 50*l.* or less than 10*l.*; and if any person shall knowingly sell, utter, dispose of, or expose to sale any weight or measure with such forged or counterfeit stamp or mark thereon, every person so offending shall for every such offence forfeit and pay a sum not exceeding 10*l.* or less than 40*s.*, to be recovered in a summary way as hereinafter provided; and that all weights and measures with such forged or counterfeited marks shall be seized, forfeited, and condemned.

xix. That all copies of the imperial standard weights and measures which may have been worn by time, and mended in consequence of any wear or accident, shall forthwith be sent to the Exchequer for the purpose of being again compared and verified, and shall be stamped as mended copies of the imperial standard weights and measures: provided such weights and measures have been so mended that the Auditor, Comptroller General, or other superintending officer appointed for such verification shall deem them fit to be used for the purposes of standards; and every new comparison and verification shall be indorsed upon the original indenture of verification, and such weights and measures shall be so stamped upon payment of fees of verification only.

xx. That there shall be kept by the Auditor, Comptroller General, or other superintending officer at the Exchequer, an account or register of all copies of the imperial standard weights and measures, or the parts or multiples thereof, that shall have been verified at the Exchequer at Westminster.

xxi. That in England and Wales and in Ireland all penalties and forfeitures which shall be incurred under any of the provisions of the said recited Act of the fifth year aforesaid, or this Act, shall be paid to the treasurer of such county; and in case such conviction shall take place on information, then one half to the informer or to the person who may sue for the same, and the remainder to the treasurer of the county or county of a city in which they shall be respectively recovered, and be applied to and make part of the county rate, or of such other funds as shall be liable, under the provisions of this Act, to the cost of providing and maintaining copies of the imperial standard weights and measures; anything in the said recited Act of the fifth year aforesaid to the contrary notwithstanding.

xxii. That in all counties in England and Wales and in Ireland all penalties under this Act shall be sued for and recovered before two or more Justices of the Peace at Petty Sessions, or before the Mayor or other chief Magistrate of any city, borough, town, or place within whose jurisdiction the offence shall have been committed, and that the conviction may be drawn up according to the following form, or in words to the like effect:

‘BE it remembered, That on the _____ Day of _____ in the Year of our Lord
 ‘A.B. is convicted before me [or us] One [or Two] of His Majesty’s Justices of the Peace for the [here specify the Offence, and
 ‘the Time and Place when and where committed, as the Case may be], contrary to an Act passed in the _____ Year of
 ‘the Reign of King [as the Case may be]; and I do adjudge that the said A.B. hath forfeited for _____ said Offence the Sum
 ‘of [here insert the Penalty]. Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above written.’

xxiii. That any person convicted of any penalty under this Act in England and Wales or in Ireland may appeal to the next General Quarter Sessions of the Peace for the county, or city or town being a county within itself, against such conviction, on giving security in double the amount of such penalty within forty-eight hours after the conviction shall have been made; and the decision thereupon made shall be final.

xxiv. That in Scotland all penalties incurred under the provisions of this Act, or of any of the before-recited Acts, shall be recoverable, with expenses, either before the Sheriff of the county or the Magistrates of the burgh or town corporate wherein the same may be incurred or where the offender may reside, or before two or more Justices of the Peace of such county, at the instance either of the Procurator Fiscal of Court, or any person who may prosecute for the same; and in the former case the whole penalties, after deducting all charges, shall be applied in aid of the funds liable, under the provisions of this Act, to the cost of providing and maintaining copies of the imperial standard weights and measures in the place where such penalties shall be awarded; and where the prosecution shall be at the instance of a private party, one half of such penalties shall go in aid of the aforesaid funds, and the other half to the party who may prosecute for the same; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complained of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on other legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expenses discerned for, failing payment within fourteen days after conviction, by pointing, or by imprisonment for a period, at the discretion of the Court, not exceeding sixty days, it being hereby provided that a record should be preserved of the charge and of the judgment pronounced.

xxv. That in Scotland if any person or persons shall feel themselves aggrieved by the sentence of any Sheriff or Magistrates of burghs or towns corporate, or Justices of the Peace, pronounced in any case arising under this Act, it shall be lawful for such person or persons to appeal to the Commissioners of Justiciary at the next Circuit Court, or, where there is no Circuit Court, to the High Court of Justiciary at Edinburgh, in the manner and under the rules, limitations, and conditions contained in an Act, 20 Geo. 2. c. 43, intituled, 'An Act for taking away and abolishing Heritable Jurisdictions in Scotland,' with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties and expenses awarded against him or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses which shall be awarded by the Court in dismissing the said appeal; and it shall not be competent to appeal from or to bring the judgment of any Sheriff or Justices of the Peace acting under this Act under review by advocacy, suspension, or reduction, or in any other way other than as herein provided.

xxvi. That an Act, 4 Anne, (I.) intituled, 'An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight,' and another Act, 5 Geo. 4. c. 110, intituled, 'An Act for the Indemnity of Magistrates using unlawful Weights in Ireland,' shall be and they are hereby repealed, except in so far as they relate to the appointment, duties, and remuneration of weighmasters.

xxvii. Provided, That nothing in this Act contained shall interfere with the powers of the ward inquests in respect to weights and measures within the city of London and liberties thereof and the borough of Southwark, nor prohibit, defeat, injure, or lessen the right of the Mayor and commonalty and citizens of the city of London, or of the Lord Mayor of the said city for the time being, with respect to the stamping or sealing weights and measures, or concerning the office of gauger of wines, oils, honey, and other gaugeable liquors imported and landed within the city of London and liberties thereof.

xxviii. Provided, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the rights granted by charter to the Master, Wardens, and Commonalty of the Mystery of Founders of the City of London.

xxix. That in all actions brought against any Magistrate for anything he shall do under this Act it shall be lawful for such Magistrate to plead the general issue, and to give the special matter in evidence; and if a verdict shall be given for the defendant therein he shall have double costs.

xxx. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this session of Parliament.

SCHEDULE OF FEES

To be taken by all INSPECTORS OF WEIGHTS AND MEASURES (except those appointed for the Cities of LONDON and WESTMINSTER, or under the Authority of the Founders Company), and by all WEIGHMASTERS in IRELAND.

For examining, comparing, and stamping all Brass Weights, within their respective Jurisdictions :

	s.	d.
For each Half Hundred Weight.....	1	6
For each Quarter of a Hundred Weight.....	0	9
For each Stone	0	6
For each Weight under a Stone.....	0	1½

For examining, comparing, and stamping all Iron Weights, or Weights of other Descriptions not made of Brass, within their respective Jurisdictions :

	s.	d.
Each Half Hundred Weight	0	6
Each Quarter of a Hundred Weight	0	3
For each Stone, and all Weights under a Stone....	0	2

For examining, comparing, and stamping all Wooden Measures, within their respective Jurisdictions :

	s.	d.
Each Bushel.....	0	6
Each Half Bushel	0	3
Each Peck, and all under	0	2
Each Yard	0	6

For examining, comparing, and stamping all Measures of Capacity of Liquids, made of Copper or other Metal, within their respective Jurisdictions :

	s.	d.
Each Five Gallon.....	1	8
Each Four Gallon	1	4
Each Three Gallon	1	0
Each Two Gallon	0	8
Each Gallon.....	0	4
Each Half Gallon.....	0	2
Each Quart	0	1
Each Pint, and under,.....	0	0½

CAP. L.—IRELAND.

AN ACT to amend an Act passed in the Forty-ninth Year of the Reign of King George the Third, for amending the Irish Road Acts.

(13th August 1834.)

By this Act,

After noticing that by the laws now in force in Ireland, when any swine or other beasts are found wandering upon any public road, or about the streets or passages of any town, such swine or beasts may be seized, impounded, and sold for the purpose of enforcing payment of a penalty: And that it may in many cases be expedient that a power should exist of inflicting penalties for such nuisances, without resorting to a seizure of the swine or other animals causing the same:—

It is Enacted,

That from and after the passing of this Act, in case any horse, ass, pig, cow, or other beast shall be found wandering upon any public road, or about any street or passage of any town, it shall and may be lawful for any constable or other person to procure the owner of such horse, ass, pig, cow, or other beast to be summoned before a Justice of the Peace of the county within which such pig, cow, beast, or other animal shall be so found wandering; and in case that such constable or other person as aforesaid should not know the owner of such horse, ass, pig, cow, or other beast, it shall and may be lawful for such constable or other person to seize and drive it or them to the pound nearest to the place where it or they may be found trespassing contrary to the provisions of this Act, there to remain until the owner shall appear and demand his or her property, notice of which to the person impounding the pound-keeper is hereby authorized and required to give; and such Justice is hereby authorized and required summarily to hear and determine such complaint, upon the appearance of the party summoned, or in his or her absence if proof shall be given that such summons has been personally served upon him or her or left at his or her usual place of abode; and in case of the proof of such offence by the oath of a credible witness, or the confession of the party charged, such Justice is hereby authorized and required to convict such offender in a penalty not exceeding 1s., without costs, to be levied by distress and sale of the goods and chattels of such owner, or by the sale of such horse, ass, pig, cow, or other beast, such distress or sale to be made by warrant under the hand and seal of such Justice, rendering the overplus, if any, after deducting the said penalty, and expenses of such distress and sale, to the owner or owners, on demand: Provided always, that nothing herein contained shall be construed to repeal any provision made by any Act or Acts now in force in Ireland for the prevention of trespass, or for the infliction of any penalty or the recovery of any damages in the case of trespass, or forfeiture or other disposition of any animal found trespassing or damage feasant.

CAP. LI.

AN ACT to amend the Laws relating to the Collection and Management of the Revenue of Excise.
(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. All acts required to be done by the Commissioners and Assistant Commissioners in Scotland and Ireland to be done by the General Commissioners.
2. Three Commissioners to constitute a board.

3. Commissioners and officers of Excise not to be required to take parish apprentices.
4. 7 & 8 Geo. 4. c. 53. s. 18. repealed.
5. In what manner entries of premises are to be made.
6. Penalty for using any premises or utensils without having made entry thereof.
7. Penalty for using premises or utensils for any other purpose than that for which entered.
8. Not more than one entry to be in force for the same premises.
9. If trader absconds or quits entered premises without withdrawing the entry, any other person may, with consent, make entry of the premises.
10. 7 & 8 Geo. 4. c. 53. s. 25. repealed.
11. Excise traders shall pay their duties at such time and place and to such person as shall be appointed, or upon demand made by order of the Commissioners, on pain of forfeiting double duty.
12. Goods fraudulently produced to obtain drawback forfeited, with treble value or 100l.
13. Goods condemned for being adulterated or mixed with any prohibited ingredients to be destroyed.
14. Power to reward officers detecting private manufactories.
15. 7 & 8 Geo. 4. c. 53. s. 36. repealed.
16. Constable or peace officer not assisting officer of Excise when required, to forfeit 20l.
17. Where a defendant arrested under an attachment shall refuse to enter an appearance, he may be served with a copy of the information and a rule to plead, and in default of appearing and pleading, judgment to be entered up against him.
18. 7 & 8 Geo. 4. c. 53. s. 66. repealed.
19. Information to be exhibited before Commissioners of Excise or Justices within four months after offence committed or seizure made, and parties to be summoned.
20. Commissioners of Excise and Justices not authorized to mitigate the penalty of double duty for non-payment of Excise duties.
21. Expenses of prosecution before Commissioners of Excise or Justices of the Peace may be ordered to be paid out of the Revenue.
22. In case of the death, removal, or absence of any officer of Excise in whose name any information may have been exhibited, the proceedings may be carried on by any other officer.
23. If there shall not be twenty days between giving notice of appeal and the next Quarter Sessions, the appeal shall be to the following Sessions.
24. Witnesses tendered for examination at the original hearing before Commissioners of Excise or Justices, may be examined on hearing the appeal.
25. Persons liable to arrest under the laws of Excise, not being detained at the time, may be afterwards arrested.
26. 7 & 8 Geo. 4. c. 53. s. 120. repealed.
27. Complaints of over-charges and over-payments.
28. Offences under the Customs laws may be sued for by order of Commissioners of Excise, and in the name of officers of Excise.
29. Power for Commissioners of Excise, with consent of Treasury, to take lands, &c. upon lease.
30. Construction of terms in Acts of Parliament.
31. Commencement of Act.
32. Act may be altered in this session.

By this Act,

After reciting an Act 7 & 8 Geo. 4. c. 53, intituled, 'An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland,' which said Act requires to be amended :—

It is Enacted,

I. That all the powers and authorities by the said recited Act vested in, and all orders, matters and things thereby directed to be given or done by, the Commissioners and Assistant Commissioners of Excise in Scotland and Ireland respectively, are and shall be vested in, given, and done by the Commissioners of Excise appointed or to be appointed under the said recited Act.

II. That any three or more of the Commissioners of Excise shall constitute a Board of Commissioners of Excise, and shall have full power and authority to act as a Board of Commissioners, and to order and direct and do and to permit to be done throughout the United Kingdom, or in any part thereof, all acts, matters, and things relating to the Revenue of Excise, as fully and effectually as if ordered, directed, and done, or permitted to be done, by a board of four of the said Commissioners of Excise, as required by the said recited Act.

III. That no Commissioner of Excise, or officer of Excise, or person employed in the collection or management of, or recovering or accounting for, comptrolling or auditing the Revenue of Excise, or any part thereof, shall, during the time of his acting as such Commissioner or officer, or being so employed as aforesaid, be compelled to receive any parish apprentice, or to take any child as an apprentice or servant, nor be subject to any penalty for refusing to execute any indenture for binding to him any person as an apprentice or servant, any law or statute to the contrary notwithstanding.

IV. That so much of the said recited Act as enacts, "that all and every person or persons required to make entry of any building, place, vessel, or utensil under this Act, or any other Act or Acts relating to the Revenue of Excise, shall deliver such entry, with his or their signature thereto, to the officer of Excise in whose survey such building, place, vessel, or utensil shall be intended to be used; and such officer shall copy such entry into the book kept and known by the name of the General Entry Book, for the division or ride in which such building, place, vessel, or utensil shall be intended to be used; and the supervisor of the district shall examine and compare the copy so made in such book as aforesaid with the original entry; and such officer, upon his being removed from such division or ride, shall deliver over to the officer succeeding him in such station such book and all such original entries," shall be and the same is hereby repealed.

V. That every person carrying on any trade or business under or subject to any law or laws of Excise; and required by any

Act or Acts relating to the Revenue of Excise, to make entry at the next office of Excise, or to give notice to the officers of Excise, of any house, building, place, vessel, or utensil used in carrying on such trade or business, shall make such entry by delivering such true and particular account as by the Act or Acts relating to such trade or business is required to the officer of Excise in whose survey such house, building, place, vessel, or utensil shall be intended to be used; and such officer, having received such entry, shall copy the same into the book kept and known by the name of the General Entry Book, for the division or ride in which such house, building, room, or place, vessel or utensil, shall be intended to be used; and the supervisor of the district shall examine and compare the copy so made in such book as aforesaid with the original entry; and such officer, on his being removed from such division or ride, shall deliver over to the officer succeeding him in such station such book and all such original entries.

VI. That every person carrying on any trade or business under or subject to any law or laws of Excise, who shall make use of any house, building, or place, vessel or utensil, of which entry is required to be made or notice given by any Act or Acts relating to the Revenue of Excise, without having made entry thereof in manner hereinbefore directed, shall for every such unentered house, building, or place, vessel or utensil, forfeit 200*l*.

VII. That every person carrying on any trade or business under or subject to any law or laws of Excise, who, having made entry of any house, building, or place, vessel or utensil, or other thing, shall in the carrying on such trade or business fraudulently make use of any such house, building, or place, vessel or utensil, or other thing, for any other or different purpose than the particular use or purpose for which the same shall have been entered, shall forfeit 100*l*.

VIII. That when any person or persons shall have made entry of any building, room, place, vessel, or utensil for the carrying on any trade or business in respect of which any entry is by any Act or Acts of Parliament relating to the Revenue of Excise required, it shall not be lawful during the continuance of such entry for any other person or persons (except persons becoming partners in the same trade or business in respect of which the entry shall already have been made) to make entry of the same building, room, or place, vessel or utensil, for the carrying on of any other trade or business of the same, or any other description subject to the survey of Excise; but every such subsequent entry made whilst such former entry is in force shall be null and void to all intents and purposes.

IX. Provided, that where any person who shall have made entry of any premises for carrying on any trade or business subject to the survey of the Excise shall abscond or shall quit possession of such premises, and discontinue the trade or business in respect of which such entry was made, without having withdrawn such entry, it shall be lawful for any other person, with the consent and approbation of the Commissioners of Excise, to make entry of the said premises for carrying on any trade or business subject to the survey of the Excise, and in such case the former entry shall be deemed to have been withdrawn, and shall become null and void.

X. That so much of the said recited Act as enacts, "that every person carrying on any trade or business under or subject to any law or laws of Excise, shall pay and clear off the duty or duties in that behalf imposed by any Act or Acts of Parliament respectively, in such case made and provided, and charged upon or incurred by such person, at such time and place and to such person respectively as shall for that purpose be specially directed in any Act or Acts of Parliament relating to such duties respectively, or as shall be from time to time directed by the Commissioners of Excise; and if any such person shall not pay and clear off such duty or duties at such time and place and to such person respectively as aforesaid, or upon demand made thereof (under order of the Commissioners of Excise, or of the Commissioner or Commissioners and Assistant Commissioners of Excise in Scotland and Ireland respectively,) by the collector of Excise in whose collection such trade or business shall be carried on, or by any officer authorized and directed by such collector, under such order as aforesaid, to make such demand, (whether such demand be made personally of any person who shall have incurred such duty or duties, or shall be left at the dwelling-house of any such person, or on the premises where such duty or duties shall have been charged or incurred, every such person shall forfeit and lose double the value of the duty or duties so neglected to be paid and cleared off as aforesaid," shall be and the same is hereby repealed.

XI. That every person carrying on any trade or business under or subject to any law or laws of Excise shall pay and clear off the duty or duties in that behalf imposed by any Act or Acts of Parliament respectively, and charged upon or incurred by such person, at such time and place and to such person respectively as shall for that purpose be specially directed by any Act or Acts of Parliament relating to such duties, or as shall be from time to time directed by the Commissioners of Excise, whether payment of such duties shall have been or shall be secured by bond or otherwise, in pursuance of any Act or Acts of Parliament, or not; and if any such person shall not pay and clear off such duty or duties at such time and place and to such person respectively as aforesaid, or upon demand made, under order of the Commissioners of Excise, by any general surveyor of Excise where the trade or business shall be carried on within the limits of the Chief Office of Excise, or elsewhere by the collector of Excise in whose collection such trade or business shall be carried on, or the officer of Excise in charge for the time being of such collection, or by any officer of Excise authorized and directed by such collector or officer in charge to make such demand, whether such demand shall be made personally of such person, or shall be left at his dwelling-house, or at the premises where such duty or duties shall have been charged, every such person shall forfeit and lose double the value of the duty or duties so neglected to be paid and cleared off as aforesaid.

XII. That all goods which shall be removed or deposited or concealed, or which shall be produced to any officer of Excise or Customs, with intent fraudulently to obtain any drawback or allowance granted by any Act or Acts relating to the revenue of Excise or Customs, shall, with the casks, vessels, cases, or other packages containing the same, be forfeited; and every person who shall remove or deposit or conceal, or shall produce to any officer of Excise or Customs, any goods, with intent fraudulently to obtain any drawback or allowance granted by any Act relating to the revenue of Excise or Customs, shall forfeit treble the value of such goods or 100*l*., at the election of the Commissioners of Excise or Customs, or the person who shall inform or sue for the same.

XIII. That all goods and commodities which shall be seized and condemned for, or by reason of the same being adulterate-

or mixed with any unlawful or prohibited ingredients shall, after the condemnation thereof, be burned or otherwise effectually destroyed, and shall not be exposed to sale; and it shall be lawful in every such case for the Commissioners of Excise, under the directions of the Lord High Treasurer or Commissioners of the Treasury, to distribute to and amongst the officers who shall have seized such goods or commodities a sum of money equal to the value of the said goods or commodities, or such greater or lesser reward as by the said Lord High Treasurer or Commissioners of the Treasury shall be deemed expedient.

xiv. That where any person shall be arrested and detained by any officer or officers of Excise for being found in any private or unentered place, knowingly aiding or in anywise concerned in the manufacturing of any goods or commodities for or in respect of which any duties of Excise are or shall be imposed, and such person shall be convicted in the penalty of 30*l.* or 60*l.* imposed for such offence, but shall not pay the same, it shall be lawful for the Commissioners of Excise, with the consent and approbation of the Commissioners of His Majesty's Treasury, if they shall see fit, to cause a reward not exceeding a moiety of the penalty so imposed to be paid to the officer or officers by whom and at whose instance such person shall have been arrested and detained and convicted; and in case any officer or officers of Excise shall seize any such goods or commodities, or any materials for the manufacture thereof, in any private or unentered place, but shall not at the same time arrest or detain any such person, or if any person arrested or detained shall not be convicted, it shall be lawful for the said Commissioners of Excise, with the consent and approbation aforesaid, if they shall see fit, to cause a reward not exceeding 5*l.* to be paid to such officer or officers.

xv. That so much of the said recited Act as enacts, "that if upon notice given or request made by any officer of Excise to any constable, headborough, or other ministerial officer of the peace, to go with him as such officer of Excise, and to be present at the doing or performing of any act or thing at which the presence of a constable, headborough, or officer of the peace is or shall be required by this Act or any other Act or Acts of Parliament relating to the Revenue of Excise, such constable, headborough, or officer of the peace shall not go with such officer of Excise, or shall not be present at the doing or performing of any such act or thing, or shall refuse or neglect so to do or to be present as aforesaid, every such constable, headborough, or officer of the peace so offending shall for every such offence forfeit and lose the sum of 20*l.*," shall be and the same is hereby repealed.

xvi. That if upon notice given or request made by any officer of Excise to any constable, headborough, or other ministerial officer of the peace, to go with him as such officer of Excise, and to aid and assist him as such officer of Excise in the due execution of any act or thing required or enjoined by any Act or Acts relating to the Revenues of Excise or Customs to be done or prevented from being done, or which it shall be lawful for any officer of Excise to do or to prevent from being done, such constable, headborough, or officer of the peace shall not go with such officer of Excise, or shall not aid or assist him as aforesaid to the utmost of his power, such constable, headborough, or other officer of the peace so offending shall forfeit 20*l.*

xvii. That where any defendant shall be arrested and imprisoned under any writ of attachment issued out of His Majesty's Court of Exchequer at Westminster, Edinburgh, or Dublin, for not entering an appearance to any proceedings commenced against him for the recovery of any duties of Excise, or of any penalty incurred under any Act relating to the Revenue of Excise, and such defendant shall neglect or refuse to enter or cause to be entered an appearance on his behalf by the time when a rule to plead might, according to the course and practice of the Court, have been given if such defendant had caused an appearance to be entered in proper time, it shall be lawful for the Solicitor of Excise, on behalf of the Attorney General, to cause a copy of the information, and also a rule to plead, to be served on such defendant by the same being delivered to the gaoler, keeper, or turnkey of the prison in which such defendant shall be confined, together with a notice setting forth, that unless such defendant shall appear and plead on or before the expiration of the rule to plead, which it shall be lawful for him to do without being required to take a copy of such information, judgment by default will be entered against him; and in case such defendant shall neglect to appear and plead at the expiration of the said rule it shall be further lawful for the solicitor of Excise, on behalf of the Attorney General, to cause an appearance to be entered for such defendant, and to enter up judgment against him as for want of plea, and thereupon to issue process of execution and proceed to charge such defendant in execution.

xviii. That so much of the said recited Act as enacts, "that every such information as aforesaid shall be exhibited before the Commissioners of Excise, or Justice or Justices of the Peace respectively, within four calendar months next after the offence or offences alleged in such information shall have been committed, or the goods, commodities, or chattels therein alleged to have been forfeited shall have been seized; and a notice in writing of such information having been so exhibited shall be given to the person or persons against whom the same shall have been exhibited for the penalty or penalties incurred for such offence or offences, or to the person or persons who shall claim the goods, commodities, or chattels in such information alleged to have been forfeited, within one week next after such information shall have been exhibited; and the Commissioners of Excise, or Justice or Justices of the Peace, before whom any such information shall have been exhibited as aforesaid, are hereby respectively authorized and required to summon every person against whom any information shall have been exhibited, or who shall claim any goods, commodities, or chattels as aforesaid, to appear and plead to and attend the hearing of such information at a time and place to be stated in such summons, which summons shall be served upon such person or persons fourteen days at the least before the time appointed in such summons: Provided always, that where such information shall be exhibited as aforesaid for the recovery of double the value of any duty or duties neglected to be paid or cleared off as by this Act before directed, it shall be sufficient if such summons as aforesaid be served within twenty-four hours at the least before the time appointed in such summons: And provided also, that in all such cases it shall be deemed and taken to be sufficient service of any such notice or summons as aforesaid if the same be left at or upon the place used or occupied by any such person or persons respectively for carrying on trade or business, or at the building or place where any such offence shall have been committed or such seizure made, or at the place of residence, or with the wife or child or menial servant of any such person or persons, the same being directed to such person or persons by the right or assumed name or names of such person or persons," shall be and the same is hereby repealed.

xix. That every information for the recovery of any penalty, or for the condemnation of any seizure, shall be exhibited before the Commissioners of Excise, or Justice or Justices of the Peace respectively, within four calendar months next after

the offence or offences alleged in such information shall have been committed, or the goods, commodities, chattels, or things therein alleged to have been forfeited shall have been seized; and a notice in writing of such information having been exhibited shall be given to the person against whom the same shall have been exhibited within one week next after the exhibiting of such information; and the Commissioners of Excise, or Justice or Justices of the Peace, before whom any such information shall be exhibited, are hereby respectively authorized and required to summon every person against whom any such information shall have been exhibited to appear and plead to and to attend the hearing of such information at a time and place to be named in such summons, which summons shall be served upon every such person or persons ten days at the least before the time appointed in such summons, and which summons may be added to or may include such notice as aforesaid, or may be separate and apart therefrom, and be served at another and different time, subsequent to the delivery of such notice, at the option of the prosecutor: Provided always, that where such information shall be exhibited for the recovery of double the value of any duty or duties neglected to be paid or cleared off, it shall be sufficient if such summons be served twelve hours at the least before the time appointed in such summons: And provided also, that in all cases it shall be deemed and taken to be sufficient delivery and service of any such notice and summons as aforesaid if a copy of the same be left at or upon the place used or occupied by any such person or persons respectively for carrying on his or their trade or business, or at the building or place where any such offence shall have been committed or such seizure made, or at the place of residence, or with the wife or child or servant of any such person or persons, the same being directed to such person or persons by the right or assumed name or names of such person or persons; or where any such offence shall have been committed or discovered in transit, or any seizure made in transit, and the place of business or residence of the offender shall be unknown to the person discovering such offence or making such seizure, it shall be sufficient in [if] such notice and summons, or a copy thereof, be affixed at or upon such conspicuous part of the Office of Excise next to where such offence shall have been committed or discovered, or seizure made, directed to such offender or offenders by his or their right or assumed name or names, if the same shall be known to the prosecutor, and if not known, without any name or names.

After stating that doubts have been entertained whether, under the provision of the said recited Act authorizing the mitigation of penalties to one fourth, the Justices of the Peace respectively, before whom any information may be exhibited for the recovery of double the value of any duty or duties of Excise neglected to be paid or cleared off, have not power to mitigate the penalty of such double value; for determining of which doubts—

It is Enacted,

XX. That nothing in the said recited Act, or in any other Act or Acts relating to the Revenue of Excise, shall be construed to authorize or empower any Justices of the Peace, on the hearing and determining of any information for the recovery of double the value of any duty or duties of Excise neglected to be paid or cleared off, to mitigate the said penalty of the double value of such duties, but the said Justices shall in all cases convict the defendant or defendants in the full penalty of double the value of the duties which shall be proved to have been neglected to be paid and cleared off, and shall give judgment accordingly; and no Justice of the Peace before whom any person having been arrested and detained under any Act or Acts relating to the Revenue of Excise, and liable to the payment of any penalty, and in default of the immediate payment thereof to be committed to prison for a limited period, shall have any power or authority to mitigate such penalty, except where a special power for the mitigation of such penalty shall be given; anything in the said recited Act, or any other Act or Acts relating to the Revenue of Excise, notwithstanding.

XXI. That in any prosecution for recovery of any penalty incurred, or for the condemnation of any goods or chattels seized as forfeited, under any Act of Parliament relating to the Revenue of Excise, and carried on before the Commissioners of Excise or any Justices of the Peace, the Commissioners of Excise may order the expenses of such prosecution to be paid out of the Revenue of Excise, and a sum of money to be paid to the officers concerned in such prosecution, or the persons through whose information the offence shall have been discovered or the seizure made, in the same manner as they are authorized to do in prosecutions carried on in the Court of Exchequer.

XXII. That where in any case any information for the recovery of any penalty incurred, or the condemnation of any goods, commodities, articles, or things forfeited, under any law or laws relating to the Revenue of Excise, shall by order of the Commissioners of Excise be exhibited before the Commissioners of Excise, or before any Justice or Justices of the Peace, and the officer of Excise by whom or in whose name such information shall be or shall have been exhibited shall die, or be removed or discharged, or at the time of hearing may be absent, such information shall not, by such death, removal, or discharge, or by the absence of such officer, abate or be diminished, but all the proceedings on such information shall be continued and may be proceeded on by any other officer of Excise in the name of the officer by whom the same shall have been exhibited; and the said Commissioners of Excise and the Justices shall, on the day named and appointed in the summons to be issued in that behalf, proceed to hear and determine the matter of such information, and shall examine all such witnesses as shall be tendered to them for examination by any officer of Excise in support of such information, notwithstanding such death, removal, or discharge, or the absence of the officer of Excise by whom or in whose name such information shall be or shall have been exhibited; and all the proceedings on such information, and all proceedings for recovery of any penalty awarded thereon, or for the arrest and imprisonment of any defendant for nonpayment of such penalty, or for condemnation of any goods, commodities, articles, or things, shall be good, valid, and effectual.

XXIII. That if there shall not be twenty days between the time of any judgment being given by any Justices of the Peace on any information exhibited to them and the next General Quarter Sessions of the Peace, and the party against whom such judgment shall be given shall appeal against the same, then such appeal may be to the Quarter Sessions next after the expiration of twenty days from the giving of such judgment; and any notice of appeal shall be given by any officer of Excise who shall attend and conduct the proceedings on the part of the Revenue of Excise, notwithstanding such officer may not be the officer named in the information as informing or exhibiting the same; and it shall be lawful for any Court of Quarter Sessions before whom any appeal shall be brought to adjourn the hearing thereof to the next Quarter Sessions, then to hear and finally to determine the same.

And after noticing that by the said recited Act Commissioners of Appeal and Justices at the Quarter Sessions shall not at the hearing of any appeal examine any evidence or witness or witnesses other than or different from the evidence and the witnesses or witnesses which and who shall have been before examined before the Commissioners of Excise or Justices of the Peace respectively at the trial and hearing of the information upon which the original judgment appealed against shall have been given; and that great inconvenience has been experienced by Justices deciding on alleged defects in informations, and dismissing the same without any examination of witnesses, whereby the remedy of appeal hath been lost:—

It is Enacted,

XXIV. That where the Commissioners of Excise or Justices of the Peace respectively before whom any information shall be exhibited shall dismiss such information without examination of witnesses, or shall refuse to examine any witness produced on the hearing of any information, the several witnesses refused to be examined shall be tendered to the said Commissioners or Justices respectively for examination on the part of the informer or defendant, as the case may be, and the said Commissioners or Justices respectively shall, on ascertaining the witnesses so tendered for examination to be present, cause their names to be taken down in writing, and shall transmit the same with the information and judgment to the Commissioners of Appeal or Quarter Sessions respectively; and the several witnesses so tendered for examination, and whose names shall be so transmitted, shall on the hearing of the appeal be examined in the case, although not examined before the Commissioners or Justices on the original hearing and judgment.

XXV. That if any person liable to be arrested and detained under any Act or Acts relating to the Revenue of Excise shall not be detained at the time when he shall be discovered committing the offence for which he is so liable, or after detention shall make his escape, any officer of Excise may stop, arrest, and detain such person at any time afterwards, and carry him before any Justice or Justices of the Peace, to be dealt with as if detained at the time of committing the offence.

XXVI. That so much of the said recited Act as enacts, "that it shall be lawful for the Commissioners of Excise, or any three or more of them, within the limits of the chief office of Excise, and for any two or more of the Justices of the Peace in any other part of the United Kingdom within whose jurisdiction respectively any person or persons chargeable with any duty of Excise shall have been charged therewith, upon complaint to them respectively made by any such person or persons of any over-charge in that behalf made by any officer of Excise, within twelve calendar months next after the making of such charge, and such Commissioners and Justices are hereby respectively authorized and required to hear, adjudge, and determine such complaint, and to examine the witness or witnesses upon oath who shall be thereupon produced, as well on the behalf of the person or persons making such complaint as on the behalf of His Majesty and of all parties therein concerned, and shall thereupon, by warrant under their hands, discharge or acquit such person or persons of so much of such charge as shall be made out and proved before such Commissioners of Excise or Justices of the Peace respectively to have been over-charged; and if such person or persons shall, before such acquittal, have paid any money upon or in respect of such over-charge, it shall be lawful for the Commissioners of Excise, or the Commissioner or Commissioners and Assistant Commissioners of Excise in Scotland and Ireland respectively, and they are hereby respectively required, upon such acquittal as aforesaid, to repay to such person or persons, out of the public monies in their hands, or at their discretion to allow out of the next duties becoming payable by such person or persons, so much money as shall have been so paid as aforesaid, anything in this Act or in any other Act or Acts to the contrary thereof in anywise notwithstanding: Provided always, that no such complaint shall be heard before the said Commissioners of Excise unless the same shall be entered by or on behalf of the complainant in a book to be kept for that purpose in the office of the Solicitor of Excise, for the summary jurisdiction at the chief office of Excise, stating the particulars thereof, and the name and place of residence of every such complainant; and upon every such complaint being so entered, a notice shall be given by the said Commissioners of the time and place by them appointed for the hearing of such complaint; and if such complainant shall not appear at the time and place appointed for the hearing of any such complaint, it shall be lawful for the said Commissioners, or any three or more of them, to dismiss such complaint, upon proof of notice of the time and place appointed for the hearing of such complaint having been given to such complainant, or left at the place mentioned in such complaint book as aforesaid to be the place of the residence of such complainant; and that no such complaint shall be heard before any Justices of the Peace unless a notice in writing of the time and place of hearing thereof, (which notice shall contain and set forth the ground and substance of such complaint) shall be given to the collector of Excise in whose collection, or to the supervisor of Excise in whose district, such over-charge shall have been made, within eight days at the least before the time appointed for the hearing of such complaint: And provided always, that the payment of any duty with which any such complainant as aforesaid shall have been charged, or any proceedings for the recovery of such duty, shall not be delayed or suspended by reason of the making of any such complaint, or of the same being depending," shall be and the same is hereby repealed.

XXVII. That it shall be lawful for the Commissioners of Excise, or any three or more of them, within the limits of the chief office of Excise, and for any two or more Justices of the Peace in any other part of the United Kingdom, within whose jurisdiction respectively any person chargeable with or liable to the payment of any duty of Excise shall have been charged with or paid such duty, upon complaint to them respectively made by any person or persons of any over-charge made by any officer of Excise, or of any over-payment made by any such person, within twelve calendar months next after the making of such over-charge or over-payment, and also in any case in which by any Act of Parliament relating to the Revenue of Excise any person shall be entitled to any return of any duty of Excise paid by or on behalf of such person, upon the like complaint by such person within the time in that behalf respectively limited by law for exhibiting such complaint, and such Commissioners and Justices are hereby respectively authorized and required, in every such case to hear, adjudge, and determine such complaint, and to examine the witness or witnesses upon oath who shall be thereupon produced, as well on behalf of the person making complaint as on behalf of His Majesty and of all parties therein concerned, and shall thereupon, by warrant under their hands, discharge or acquit the complainant of so much of such over-charge or over-payment as shall be made out and proved before such Commissioners of Excise or Justices of the Peace respectively to have been over-charged, or overpaid, or wrongly paid, or shall order such amount of duty as the party shall appear to be entitled to have returned to him to be returned and paid; and if any person in whose favour any such judgment shall be given shall before acquittal of any over-charge have paid

any money for or in respect of such over-charge, and in case of any over-payment, or order to return any duty of Excise, to a return of which the party may be entitled, the Commissioners of Excise shall and they are hereby required, upon such acquittal or order as aforesaid, to repay to such person or persons out of the public monies in their hands, or at their discretion to allow out of the next duties becoming payable by such person or persons, so much money as shall be specified in such judgment or order as over-charged, over-paid, or wrongly paid, or to be returned, anything in any Act or Acts to the contrary notwithstanding: Provided always, that no such complaint shall be heard before the said Commissioners of Excise unless the same shall be entered by or on behalf of the complainants in a book to be kept for that purpose in the office of the Solicitor of Excise, at the chief office of Excise, stating the particulars thereof, and the name and place of residence or place of business of such complainant; and upon every such complaint being so entered, not less than six days notice shall be given by the Commissioners of Excise of the time and place by them appointed for the hearing of such complaint; and if such complainant shall not appear at the time and place appointed for the hearing of any such complaint, it shall be lawful for the said Commissioners, or any three or more of them, to dismiss such complaint, upon proof of such notice of the time and place appointed for the hearing of such complaint having been given to such complainant, or left at the place mentioned in such complaint book as aforesaid as the place of residence or place of business of such complainant; and no such complaint shall be heard before any Justice of the Peace unless a notice in writing of the time and place of hearing thereof shall be given to the collector of Excise in whose collection or to the supervisor of Excise in whose district the subject-matter of complaint shall have arisen eight days at least before the time appointed for the hearing of such complaint, which notice shall contain and set forth the exact sum which is complained of as being an over-charge, and the date when the charge was made on which such over-charge is said to have arisen, or the exact sum complained of as being an over-payment, and the date when such over-payment was made, or the exact amount of duty claimed to be allowed or returned, and on what account, as the case may be; and in every case respectively the ground of complaint of such over-charge or over-payment, or claim of return or allowance of duty, shall be set forth in such complaint: Provided also, that the payment of any duty with which any such complaint as aforesaid shall have been charged, or any proceedings for the recovery or payment of any such duty, shall not be delayed or suspended by reason of the making of any complaint of over-charge of such duty, or of the same being depending.

XXVIII. That any penalty or forfeiture incurred under any Act or Acts of Parliament relating to the Revenue of Customs may be sued for and recovered by order of the Commissioners of Excise, and in the name of an officer of Excise, as well as by order of the Commissioners of Customs, and in the name of an officer of Customs; and where any election or option is or shall be given by any such Act or Acts to the Commissioners of Customs, which of two penalties shall be sued for, such election or option may be exercised by the Commissioners of Excise, and may be averred in the information to have been made by such last-mentioned Commissioners, and such averment shall be deemed and taken to be sufficient proof of such order and of such election or option, without any further evidence thereof.

XXIX. That it shall be lawful for the Commissioners of Excise, with the consent of the Lord High Treasurer, or any three or more of the Commissioners of the Treasury, to contract for and take on lease, in trust for His Majesty, his heirs and successors, for the use and service of the Revenue of Excise, any messuages, buildings, lands, tenements, or hereditaments, either for any term, for life or lives, or years, or any less interest therein, which they the said Commissioners of Excise may deem desirable to be contracted for and taken for the use and service of the Revenue of Excise; and every demise of any such messuages, buildings, lands, tenements, or hereditaments shall be made to, and all covenants relating to any such demise shall be made and entered into and with and by the Secretary of His Majesty's Commissioners of Excise for the time being, and his successors in the office of Secretary.

In order to prevent the frequent use of terms and expressions in Acts, and to give effect to those used:—

It is Enacted,

XXX. That whenever in this or any other Act relating to the Revenue of Excise the word or words "writing," "wrote," or "written," shall be used, the same shall include printing or printed, or partly written and partly printed; and when the singular number or masculine gender only shall be used, such word or words shall be construed to mean several persons as well as one, and females as well as males, and bodies corporate and politic as well as individuals, and several matters and things as well as one matter or thing, unless it be otherwise specially provided for, or there be something in the subject or context repugnant to such construction.

XXXI. That this Act shall commence and take effect from and immediately after the passing thereof.

XXXII. That this Act or any of the provisions thereof may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

CAP. LII.

AN ACT to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes.

(19th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of certain parts of repealed Acts.—Proviso as to offences committed or penalties incurred.*
2. *President and Governors empowered to relieve disabled seamen and their widows and children.—Seamen to produce certificate*

- the hurt they have received.—Parties signing the certificate to make oath of the truth thereof.—Certificates to be produced by seamen disabled by sickness, and by widows and children of seamen.—Deceitful seamen not entitled to the benefit of this Act unless they have served five years, and contributed monthly.*
2. *Persons forging, &c. certificates to be punished.*
 4. *President and five assistants to make a Court, who are to meet weekly.—The Court may apply the monies of the corporation, and appoint the officers and their salaries;—exception;—and do all other matters and things necessary.*
 5. *All masters and owners of merchant ships or vessels, &c. to pay 2s. per month.*
 6. *All seamen or other persons serving on board such ships or vessels to pay 1s. per month.*
 7. *Masters of ships to keep in their hands 1s. per month out of seamen's pay, and pay over the same to the receiver of the duties.*
 8. *Receivers to be appointed for the port of London and the out-ports, who are to collect and pay over the duties according to instructions.*
 9. *Masters to keep muster roll, and deliver duplicates thereof to the collectors.—Receivers to transmit duplicates of vessels not belonging to their port.—Penalty for neglect by masters, &c.*
 10. *Masters of vessels to deduct penalties from wages of seamen, and deliver a verified account thereof to officers of President and Governors under penalty of 20l.*
 11. *Collectors may summon masters of vessels, and examine them upon oath as to the truth of the muster rolls.—Masters refusing to appear or to answer, to forfeit 10l.*
 12. *Secretaries, &c. of public offices to give in a list of ships employed in their service.—Treasurers, &c. of such offices to pay no wages or freight to any master, &c. until he produce an acquittance signed by receiver of duties.*
 13. *Duties to be paid at the port where any ship or vessel shall unload her cargo.—Master or owner may enter into agreement with trustees and collectors for half-yearly payments;—certificate of such agreement.—Payment under such agreement to be enforced.*
 14. *If masters fail to produce proper certificates, tide waiters to be continued on board at their expense.*
 15. *Penalties by this Act recoverable before a Magistrate.—Service of notice of application.*
 16. *Owners and masters of ships of any of the outports empowered to meet and appoint trustees for the said duties, who are to continue till 26th of December in each year.—New trustees to be chosen yearly, and instrument of election to be confirmed by President, &c.—Five trustees to be a quorum, with power to make bye laws and appoint officers.—Instrument of trust to be forwarded to President and Governors within sixty days after every 26th of December.*
 17. *Appointments on default not revocable within five years.*
 18. *Trustees heretofore appointed at the several out-ports to be subject to the provisions of this Act.*
 19. *The corporation of the Merchants Venturers of Bristol appointed trustees for the duties, &c. received there;—and empowered to hold lands for the purpose of this Act.*
 20. *The guild of the Trinity House of Kingston-upon-Hull appointed trustees for the duties, &c. received there.*
 21. *The ports of Glasgow, Greenock, and Port Glasgow, &c. to be deemed one united port, and masters of ships belonging thereto to elect trustees for collecting duties, &c.*
 22. *Trustees of out-ports to transmit account of the yearly receipts and expenditure to President and Governors.*
 23. *Collectors appointed by trustees or corporations aforesaid not to send duplicate of muster rolls to the President and assistants.*
 24. *No seaman to have the benefit of this Act unless he pays the duty.*
 25. *Those who have served longest to be first provided for.*
 26. *Maimed seamen to be provided for at the port where the accident happens.*
 27. *Disabled seamen having served and paid five years to be provided for where they have contributed most.*
 28. *Seamen who have been shipwrecked, or made prisoners by the enemy, may be relieved.*
 29. *Where regular certificates cannot be obtained, others may be admitted.*
 30. *Wages of deceased seamen to be paid to the trustees of the port on ship's arrival, to the use of the executor, &c.*
 31. *If not demanded in three years by representatives, then to the use of the President and Governors, or the trustees of the respective ports.*
 32. *President and Governors to pay 5l. per cent. out of the duties received by them from seamen in the port of London to the Seamen's Hospital Society in that port.*
 33. *5l. per cent. to be deducted from gross amount in lieu of expenses, &c.*
 34. *Application of penalties.*
 35. *Limitation of actions.*
 36. *Public Act.*

By this Act,

After noticing that by an Act, 20 Geo. 2. c. 38, intituled, 'An Act for the Relief and Support of maimed and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service,' a body corporate and politic was created by the name of 'The President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service,' and divers powers and privileges were thereby granted to the said corporation, and regulations made for the management thereof; and various provisions were by the said Act made for the relief and support of maimed and disabled seamen, and the widows and children of such as shall be killed, slain, or drowned as aforesaid: And another Act, 37 Geo. 3. c. 73, intituled, 'An Act for preventing the Desertion of Seamen from British Merchant Ships trading to His Majesty's Colonies and Plantations Abroad:' And that it is expedient to repeal some, and to extend and comprise in one Act of Parliament others of the provisions of the said two recited Acts:—

It is Enacted,

1. That from and after the 31st of December 1834, from which day (except as hereinafter is expressly provided) this Act shall commence and take effect, the whole of the said recited Act, 20 Geo. 2. c. 38, except so far as the same relates to the incorporation and perpetual succession of the said body corporate and politic, or to the powers and authorities thereby vested in the said President and Governors for receiving, possessing, and applying such sums of money as should be contributed, devised, or bequeathed to it, and for purchasing and holding lands and erecting an hospital, or to the rules and method thereby provided for supplying the places of the President and Assistants or Committees and Governors or members thereof so often as vacancies shall occur, and making and altering the bye laws, constitutions, and ordinances of the said corporation; and so much of the said recited Act, 37 Geo. 3. c. 73, as relates to the payment and appropriation to and for the uses and purposes

therein mentioned of the wages of deceased seamen and other persons engaged in British merchant ships trading to the West Indies, and to the penalties and forfeitures thereby imposed, so far as the same are payable or recoverable on account of any infraction of the provisions of the said Act respecting the payment and appropriation of such wages as aforesaid; be and the same are hereby declared to be repealed: Provided always, that all offences which shall have been committed, and all penalties and forfeitures which shall have been incurred, and all payments and duties to which any party shall have become liable, previous to the commencement of this Act, against the provisions of the said Acts, shall and may be punishable and recoverable under the said Acts as if the same had not been repealed, although such payments and duties shall not in consequence of such liability have become actually receivable by the said President and Governors until after the said 31st of December.

II. That the said President and Governors and their successors shall and may and they are hereby authorized and empowered to provide, in such their hospital as aforesaid, for the reception of such seamen as shall be rendered incapable of present or future service by sickness, wounds, or other accidental misfortunes, and those who shall become decrepit or worn out by age, or shall provide for such seamen by allowing them certain pensions, or otherwise as to the said President and Governors and their successors shall seem meet and most for the advantage of the said charity; and also to relieve the widows and children of such seamen as shall be killed, slain, or drowned in the said service; and also to relieve the widows and children of such seamen as shall die after having contributed during a term of twenty-one years to the funds of this corporation, provided such children are not of the age of fourteen years, or if of that age or upwards, not capable of getting a livelihood by reason of lameness, blindness, or other infirmities, and are proper objects of charity; and also to relieve the widows and children (such children being proper objects of charity as aforesaid) of such seamen as at the time of their death shall have been receiving or have been entitled to receive pensions, under and by virtue of this Act, from the fund hereby to be created, as decrepit or worn-out seamen: Provided that no widow shall be entitled to any benefit under this Act who shall not have been the wife of such seaman or pensioner before he became entitled to relief under the provisions of this Act: Provided nevertheless, that no seaman in the said service shall be entitled to any of the provisions or benefits of this Act, on account of any hurt or damage he may have received on board any ship or vessel, unless he shall produce or cause to be produced a certificate to the said President, assistants, and committees, of the hurt or damage he hath received, from the master, mate, boatswain, and surgeon, or so many of them as were in the ship or vessel to which such seaman belonged at the time of his receiving such hurt or damage, or of the master and two of the seamen if there be no other officer, or in case the master shall die, or be killed or drowned, then of the person who shall take upon him the care of the ship or vessel, and two of the seamen on board the same, under their hands and seals, thereby signifying how and in what manner such seaman received such hurt or damage, whether in fighting, defending, working, loading, or unloading the said ship or vessel, where and when he entered, and how long he had served on board the same; and the parties so signing and sealing such certificate shall and are hereby required to make oath of the truth of the contents thereof before some one of His Majesty's Justices of the Peace, if given in Great Britain or Ireland or other His Majesty's dominions, or the chief officer of the Customs of the port or place where there is no Justice of the Peace, or before the British Consul or resident in any foreign country where such certificate is executed (who are hereby respectively authorized and required to administer the same without fee or reward); and in case of sickness, whereby such seaman shall be rendered incapable of service, a certificate signed, sealed, and authenticated in like manner, signifying that he was healthy when he entered on board such ship or vessel, and that such sickness was contracted on board the same, or on shore in doing his duty in the service of the ship, and not otherwise, and expressing the time and place he entered on board such ship or vessel, and how long he had served therein; and that no widow, child, or children of any seaman killed, slain, or drowned in the said service, shall be relieved or entitled to any allowance by virtue of this Act unless she or they, or some person on her or their behalf, shall produce a certificate, signed, sealed, and authenticated in like manner, signifying how and in what manner such seaman lost his life in the service of the said ship or vessel, the time and place he entered on board, and how long he had served therein; and that no widow, child, or children of any seaman in the said service shall be entitled to any relief by virtue of this Act unless she or they shall produce or cause to be produced a certificate under the hands and seals of the minister and churchwardens and overseers of the poor of the parish, township, or place, or any two of them, or under the hands and seals of the minister and overseers of the poor of the parish, township, or place, or any two of them, where there are no churchwardens, or if in Scotland by the minister and elders, or if in Ireland by a Justice of the Peace for the parish, township, or place where such widow, child, or children shall at the time reside, and if such widow, child, or children are some of the people called Quakers, then by any two reputable persons of that persuasion of the parish, township, or place where such widow, child, or children have a legal settlement, or do inhabit and reside, to be attested by two or more credible witnesses, that such widow was the lawful wife and real widow, and that such child or children was or were the lawful child or children of such deceased seaman as aforesaid, and that such child or children is and are under the age of fourteen years, or if of that age or upwards, not capable of getting a livelihood by reason of lameness, blindness, or other infirmities, and is or are proper objects of charity; and that no seaman shall be provided for by a pension or otherwise, as decrepit or worn out, unless such seaman shall have served in the merchant service for the space of five years, and shall have during that time contributed and paid the monthly duty out of his wages, in and by the Act, 20 Geo. 2. hereinbefore recited, or in and by this Act required to be henceforward paid and deducted as the case may happen, for the uses and purposes in and by this Act provided.

III. Provided, that if any person shall forge, counterfeit, erase, or alter, or shall procure to be forged, counterfeited, erased, or altered, or shall unfairly or unduly obtain, any certificate in order to entitle him or her to any of the pensions, allowances, or benefits of this Act, and shall produce or cause such certificate to be produced for that purpose, such certificate shall upon discovery thereof be null and void, and such person so applying for relief or provision shall be for ever incapable of receiving any of the benefits of this Act, and shall be subject and liable to the like punishment as an incorrigible rogue is subject and liable to, and shall be punished accordingly as such.

IV. That the said President, with any five or more of the said assistants or committees for the time being, shall make a full Court of Assistants or Committees, and shall meet from time to time upon Wednesdays weekly in or near the city of London, or at such other time or place as they shall think fit to appoint; and such Court shall have power, when assembled as aforesaid, in the name of the said corporation and on their account, to apply the monies arising and to be received by virtue of this Act, or otherwise belonging to and vested in the said corporation, for the relief and support of such seamen, their widows and

children, as are hereinbefore described, and in case there shall be any surplus thereof, or any sum or sums of money shall be contributed and given for the purpose of this Act by any well-disposed persons, to lay out the same in Parliamentary securities, or to dispose of the same in the purchase of such lands, tenements, or hereditaments as are allowed to be purchased and held by the said corporation by the said recited Act, 30 Geo. 3, and with and under their common seal to enter into any covenants or contracts for the purposes aforesaid, as they shall think fit for the better promoting and carrying into effect the provisions of this Act; and to appoint and choose, and at their pleasure to remove, displace, and supply, any officers, servants, and other persons and persons to be employed for the purposes herein mentioned and intended, or other the affairs of the said corporation (other than and except such officers and persons as by the said Act, 30 Geo. 3, are directed to be chosen and appointed at a General Court or Assembly of the said corporation), and to direct and appoint such salaries, perquisites, and other rewards for their labour and service therein as they shall approve and think proper, and to do, manage, transact, and determine all such matters and things as to them or the greater part of them shall appear necessary and convenient for the effecting and carrying on the purposes hereby intended.

And for effecting the ends and purposes aforesaid :—

It is Enacted,

V. That every master of any merchant ship or vessel belonging or to belong to any of the subjects of His Majesty, his heirs or successors, and every owner being a British subject navigating or working his own ship or vessel, whether the said ship or vessel shall be employed on the high sea, or coasts of Great Britain or Ireland, or in any port, bay, or creek of the same, shall, from and after the 31st of December 1834, pay, and there shall be allowed and paid by every such master or owner, 2s. per month of lawful money of Great Britain, and proportionably for a lesser time, during the time he or they shall be employed in or navigate or work such merchant ship or vessel, for the uses and purposes aforesaid : Provided always, that such masters or owners of such ships or vessels, or their widows and children under fourteen years of age, or being objects of charity as aforesaid, shall have and be entitled to have a proportionate increase of the pension or other allowance, as in and by this Act is provided, according to the difference between the amount of the monthly duty hereby required to be paid by other seamen, mariners, and pilots, in case such master or owner shall have paid the said sum of 2s. per month for a period of five years or sixty months before any application to the said President and Governors for relief under this Act, or the provisions thereof, or any of them ; but in case any such master or owner shall be killed or drowned, or become decrepit and maimed or disabled, before he or they shall have paid such increased rate of 2s. per month for the full period of five years or sixty months as aforesaid, then such masters or owners, or their widows and children, shall have and be entitled to have and receive such smaller pension or allowance as the said President and Governors, or the trustees to be appointed as hereinafter mentioned shall think fit.

VI. That every seaman or other person whatsoever who shall serve or be employed by any person or persons whatsoever in any merchant ship, or other private ship or vessel, belonging or to belong to any of the subjects of His Majesty, his heirs or successors, whether the said ship or vessel shall be employed on the high sea or coasts of Great Britain or Ireland, or in any port, bay, or creek of the same, and every pilot employed on board any such ship or vessel, shall, from and after the 31st of December 1834, pay, and there shall be allowed and paid by every such seaman, pilot, or other person employed or that shall be employed, 1s. per month of lawful money of Great Britain, and proportionably for a lesser time, during the time he or they shall be employed in or belong to the said ship or vessel, for the uses and purposes aforesaid : Provided always, that this Act shall not extend or be construed to extend to any person or persons who shall be employed in any boat upon any of the coasts of Great Britain or Ireland, or the islands of Guernsey, Jersey, Alderney, Sark, and Man, in taking fish, nor to any person or persons employed in boats or vessels that trade only from place to place within any river of Great Britain or Ireland.

VII. That the master, owner, or commander of every such merchant or private ship or vessel is hereby empowered and required to deduct and detain out of the wages, shares, or other profits payable or accruing to such seaman or other person employed on board such ship or vessel (other than such persons as are hereby excepted), the said monthly duty, and shall pay the same, together with the amount of the duty due and owing from himself, to such officer or officers as shall on that behalf be appointed by the said President and Governors, or the trustees to be appointed at any of the out-ports in manner hereinafter provided, and their successors, for the collecting, recovering, and receiving the said duty of 1s. per month, if such seaman or other person shall have or be entitled to any such wages, shares, or profits.

VIII. That it shall and may be lawful for the said President and Governors, and their successors, at a full Court of Assistants or Committees, to appoint such person or persons as they shall think fit to be receiver or receivers of the said duties of 2s. and 1s. per month at the port of London, and also depute and appoint the collectors or other officers of the Customs of His Majesty, his heirs and successors, in the several out-ports of Great Britain and Ireland, with the concurrence of the Commissioners of the said Customs, or such other persons as they shall think fit, to collect and receive the same (except in such out-ports and where separate trustees shall have been appointed by virtue of this Act) ; which said receivers, as also the collectors and officers of the Customs, are hereby empowered and required to collect, receive, and pay over the said duties according to such instructions and directions as shall be from time to time sent to them in writing by the said President and Governors and their successors ; and for the care and pains therein of the said collectors and other officers of the Customs to be appointed to collect, receive, and receive the said duty, it shall and may be lawful for the said President and Governors, and their successors, at such Court of Assistants or Committees as aforesaid, to make such allowance to them out of the said duties as they shall judge reasonable, so that the same do not exceed the sum of 3d. per centum on the gross amount thereof.

IX. That every master, commander, or owner of any merchant ship or other private ship or vessel navigating the same, or such other person as shall have the care thereof, shall keep a book by way of muster roll or account of the ship's company, signed by himself, in which shall be entered his own christian and surname, and the christian and surnames of all the officers, mariners, and other persons employed in such ship or vessel, and over against each name the age, place of birth, and quality of such seaman or other person, and the time and place when he entered into the service of such ship or vessel ; and such master,

commander, or owner, or other person having the care of such ship or vessel shall continue to keep such book by way of muster roll during the whole course of the voyage, and shall from time to time enter therein when and where any such master, officer, seaman, or other person shall be discharged from or shall leave or desert such ship or vessel, and when and where any other officers and men shall be shipped on board, describing them in like manner as the persons who first entered on board are directed to be described, and when and where any of them received any hurt or damage, or were killed, slain, or drowned, or otherwise happened to die, in case there should be any such, together with a statement of the amount of wages due to them at the time of death or desertion, and of what clothes or other effects such deceased man shall have left on board: which said account shall be in the form, and shall contain a true and correct return under their respective heads of the several particulars expressed in the Schedule marked (A.) and to this Act annexed; a duplicate of which account shall, if required, be signed by the said master, commander, or other person having the care of the ship or vessel as aforesaid, and shall be delivered to the collectors or receivers of the said duties so appointed as aforesaid, at whatever port in Great Britain or Ireland any such ship or vessel shall report or discharge her cargo; and every such duplicate for vessels not belonging to such port of discharge shall be forwarded by such receiver to the said President and Governors, to be by them transmitted to the trustees of the port to which the vessel shall belong; and in case any such master, commander, or other person shall neglect to keep such muster roll or account, or shall neglect or refuse to deliver such duplicate as aforesaid, and in case such receiver or collectors shall neglect or refuse to transmit the duplicates which shall be delivered to them as aforesaid to the said President and Governors, every such person so offending shall forfeit and pay for every such refusal or omission the sum of 5*l.* of lawful money of Great Britain.

x. That the master for the time being of every ship coming within the provisions of this Act shall have authority to deduct out of the wages of the seamen thereof the amount of all forfeitures to be incurred by any such seamen, and every such master is hereby required correctly and truly to enter the same in a book to be by him kept for that purpose, which shall be signed by the master and the person next to him in the command of the ship, both of whom shall therein certify that it contains all the forfeitures which have been incurred by the seamen of the ship during the voyage, to the truth whereof the master shall make oath when required by the officer of the said President and Governors in London, or of the trustees at any of the out-ports, if any, and if not, to the respective receivers or collectors of the said President and Governors at such out-ports appointed to receive the monies payable in respect of the wages of merchant seamen, which oath such officer is hereby authorized to administer; and the said book, or a true copy thereof signed and certified as aforesaid, shall, within one calendar month after the ship's return from her voyage, be delivered to the said officer by the master, together with extracts from the log book of the entries therein of the causes of the several forfeitures which are hereinbefore required to be made; and every master as aforesaid who shall refuse or neglect to deliver any such account as hereby required shall forfeit and pay the sum of 20*l.*

xi. That it shall and may be lawful to and for the said collectors or receivers, for the better discovery of what shall be due from the several persons serving on board or belonging to any merchant ship or other private ship or vessel aforesaid, by warrant under his or their hand or hands to summon every such master and commander, or in his absence such owner or owners of such ship or vessel as aforesaid, to be and appear at the office of the said collectors or receivers respectively (so that the persons so summoned be not obliged to travel above ten miles for the making such appearance), which said collectors or receivers are hereby empowered and directed to examine every such master and commander or owner or owners as to the truth of the copy of such book or muster roll, and as to the number and times of service of all the several persons belonging to or employed in such ship or vessel, who are liable to or chargeable with the said duty; and if such masters or commanders, or in their absence such owner or owners, or any of them, shall refuse or neglect when so summoned to appear before the said respective persons hereby empowered to examine them in manner as aforesaid, or if they shall appear and obstinately refuse to make a full and true discovery of the matters aforesaid, then and in every such case all and every such offender or offenders for every such refusal shall forfeit the sum of 10*l.* of lawful money of Great Britain.

And for the more easy and effectual collection of the said duties of and from the masters, commanders, and owners of merchants ships or other private ships or vessels that are or shall be hired or employed on monthly charter by the several departments of the Navy, Vistualling, Ordnance, Customs, Post Office, or other public offices for or in the service of His Majesty, his heirs or successors;—

It is Enacted,

xii. That the secretaries or chief clerks of the aforesaid offices or departments respectively shall once in every year, upon the first of January in each year, or within twenty days next following at the farthest, upon application being made to them by the said President and Governors for that purpose, give and deliver to the receiver or receivers of the said duties in the port of London a true and exact list or account of the number and names of all and every the ships or vessels that in the year preceding every such account shall have been hired or employed by the Commissioners or other officers of every such office respectively for or in the service of His Majesty, his heirs or successors, and of all and every the ships and vessels which, at the time of delivering in such account, remain in the service of every such office or department respectively, and of all such as between every such account shall be discharged from such service, and of the names of the masters, commanders, and owners of all and every such ships and vessels respectively, and also of the numbers of seamen or other persons that shall from time to time be employed in every such ship or vessel; and that no treasurer, paymaster, or other officer of or belonging to any such public office or offices shall make out or pay any bill for the freight of any ship or vessel so hired or employed, or to be hired or employed, for or in the service of His Majesty, his heirs and successors, as aforesaid, or pay any wages to any master, commander, or other person employed or that shall be employed in any such ship or vessel, until every such master, commander, or owner respectively shall and do produce and shew unto such treasurer, paymaster, or other officer respectively an acquittance or certificate signed by the said receiver or receivers, or his or their deputy or deputies for the time being, whereby it shall appear that such master, commander, or owner, hath duly and fully paid and discharged the said duties payable by virtue of this Act, and that he is not more than three months in arrear for the same.

xiii. That all and every the masters, commanders, and owners of all merchant ships and other private ships and vessels whatsoever by this Act made liable to the payment of the said duties of 2*s.* per month and 1*s.* per month, shall pay all such monies

as shall from time to time be due from them and every of them respectively for or on account of the said duties to the collectors and receivers appointed in pursuance of this Act or of the said Act, 20 Geo. 2, at whatever port in the said United Kingdom of Great Britain or Ireland any such ship or vessel shall report or discharge her cargo, and before any such ship or vessel shall be cleared inwards by the officers of the Customs of His Majesty, his heirs or successors, in any such port; and that no custom, collector, comptroller, receiver, surveyor, searcher, waiter, or other officer of the Customs of His Majesty, his heirs or successors, shall at any time hereafter clear inwards any merchant ship or any private ship or vessel whatsoever by this Act made liable to the payment of the said duties, or grant any warrant, or give or grant out any caskets, transire, returns, or discharge unto or for any ship or vessel whatsoever, or shall permit or suffer any such ship or vessel to go out of any of the ports before mentioned, until the said master, commander, or owner or owners of every such ship or vessel respectively shall and do produce and shew forth unto such officer or officers an acquittance or certificate, signed by the said receiver or receivers, collectors or collector of the said duties, whereby it shall appear that such master, commander, or owners have duly and fully paid the said duties, and are not more than three months in arrear for the same, or that they are exempt from the payment of the said duties by virtue of the exceptions herein contained; and that every master, commander, or owner of any such ship or vessel who shall refuse or neglect to pay the said duty or duties in manner and within the time hereinbefore limited and appointed for payment thereof, and also every custom, collector, comptroller, receiver, surveyor, searcher, waiter, and other officer of the Customs who shall make default in any of the premises enjoined them respectively by this Act, or shall in anywise act contrary to the directions hereinbefore mentioned, shall for every such refusal, neglect, default, or act, forfeit the sum of 10*l.* of lawful money of Great Britain; and that the amount of such duties as shall be received in pursuance of this act, so far as the same shall be derived from the duty imposed upon the masters, commanders, or owners, and seamen, or in respect of the wages of the masters, commanders, or owners, and seamen, in such ships or vessels as shall not belong to the particular port at which such ships or vessels shall be reported or discharge their cargoes, shall be and the same is hereby required to be remitted by the collectors or receivers of the said duty at the port aforesaid to the receiver of the port of London, and that the same shall, when so received by him, be transmitted by him to the trustees (if any) of the several ports to which every such ship or vessel shall respectively belong: Provided always, that it shall and may be lawful for the master, commander, or owner of any merchant ship or private ship or vessel which shall belong to any of the outports at which trustees shall have been appointed for the purposes hereinbefore mentioned under the provisions of this Act or by virtue of the said Act of 20 Geo. 2, to enter into an agreement in writing with the trustees and receiver or collector for such outport, with the intent that the whole of the duties payable under this Act on account of the said ship or vessel, and so often as the same shall be employed, may be paid to the said receiver or collector of the said outports by half-yearly payments; that is to say, within twenty-one days after the 30th of June and 31st of December respectively in every year; and that it shall and may be lawful for the masters or owners of any ship or vessel employed in the coasting trade, or only going from one port to another in any part of the coast of Great Britain or Ireland, to enter into a similar agreement with the receiver or collector and the trustees of any of the ports to which such ship or vessel may belong; and that every such master, commander, or owner, having entered into any such agreement as aforesaid on account of any ship or vessel, shall not be required to make any payment on account of the said duties at any port at which the said ship or vessel shall report or discharge its cargo other than that to which it belongs, nor shall such master or owner be exposed to any of the penalties, nor the said ship or vessel be in any way delayed or impeded by the said officers of His Majesty's Customs, or any other person, in consequence of such non-payment at any other port than as aforesaid, provided such master or owner produces before the collector or receiver for the port at which such ship or vessel shall report or discharge her cargo a certificate of the agreement hereinbefore mentioned, to be signed by the collector or receiver for the port to which such ship or vessel belongs; and such half-yearly payments of the said duties shall be enforced in the same manner and under the same penalties as are hereinbefore provided for the general collection of the duties to be levied under the provisions of this Act: Provided always, that a yearly statement of the sums so received and distributed at each such port be made and published in one of the county or other newspapers circulating in the district.

And to prevent unnecessary delays in clearing ships and vessels,—

It is Enacted,

XIV. That in case the master, commander, or owner, of any ship or vessel liable to the payment of the duties aforesaid, shall not produce such acquittance or certificate of payment, or of an agreement for such half-yearly payment to be made at the port to which such ship or vessel belongs, as is hereinbefore mentioned, to the tide surveyor when he shall come on board in order to clear such ship or vessel, the tide waiters on board such ship or vessel shall be continued until such acquittance or certificate is produced, at the expense of such master, commander, or owner, and not at the expense of the Crown.

XV. That the penalties and forfeitures by this Act provided to be paid by any master or owner of any such merchant ship or vessel shall be recoverable before any Magistrate or Justice of the Peace of the port or place at which any such ship or vessel shall be reported or shall discharge her cargo as aforesaid; and that notice of any application for recovering any such penalty or penalties before such Magistrate or Justice of the Peace which shall have been served on the owner, master, or commander, his heir or agent of any such ship or vessel, shall be deemed sufficient notice.

And after reciting that the masters, commanders, and other officers and seamen employed in ships or vessels belonging to persons residing at some of the out-ports of Great Britain or Ireland may be desirous of having the said several duties of 2*l.* per annum and 1*s.* per mensem to be allowed and paid by them out of their wages as aforesaid, placed under the direction and management of persons residing in or near to such outports respectively;—

It is Enacted,

XVI. That from and after the 1st of October 1834, and without being compelled to wait until this Act for the other general provisions herein mentioned is to commence and take effect as is aforesaid, it shall and may be lawful to and for the owners of the ships and commanders employed on board the ships and vessels belonging to persons residing at any of the said out-ports to nominate and meet at any proper time and place within the limits of the said outports that shall be by any five or more persons appointed by giving ten days previous notice, to be fixed at the Custom House, wharf, quay, or any other public place

at such respective outport; and such owners, masters, and commanders, or the greater part of them, being so assembled as aforesaid, are hereby authorized and empowered from time to time to nominate and appoint, by an instrument in writing under their hands and seals, fifteen persons to be trustees for such outport, for receiving, collecting, and applying the said duties of 2s. per month and 1s. per month, to be allowed, collected, and received by virtue of this Act, at such respective outport, for relief and support of the seamen employed on board the ships or vessels belonging to such persons respectively, and their widows and children, as shall be entitled thereto by virtue of this Act; which said trustees shall continue to act until the 26th of December 1835, and until new trustees are nominated, appointed, and confirmed; and that within ten days after the 26th of December in each succeeding year, the owners, masters, and commanders at such respective outports shall have power to meet and choose fifteen persons to be trustees for the year ensuing, by an instrument in writing under the hands and seals of the owners, masters, and commanders, or the majority of them so assembled, having given previous notice in the manner hereinafore directed; which said respective trustees shall continue from time to time until new trustees are nominated, appointed, and confirmed as aforesaid; and the said instrument shall be sent, free of expense, to the President and assistants or committees of the said corporation, who are hereby authorized and required to confirm the same under the common seal of the said corporation, without fee or reward, within fifteen days after the receipt thereof; which said trustees when they shall be so confirmed as aforesaid (and whereof five shall be a quorum) shall be vested with and have the same powers and authorities to make bye-laws, and to revoke or alter the same, and to take, receive, and apply any sum or sums of money which shall be contributed, devised, or bequeathed by any well-disposed persons for the purposes aforesaid, and to appoint receivers and other officers, and to collect, recover, receive, pay, and apply the said duties of 2s. per month and 1s. per month so to be allowed and paid by the seamen or other persons serving on board any ship or vessel belonging to such persons respectively at such outports as aforesaid, according to such rules, orders, and regulations as are or shall be established by virtue and in pursuance of this Act, or have been established and continued under the provisions of the said Act, 20 Geo. 2, so far as the same are not inconsistent with or repealed or varied by the provisions of this Act; and the said receivers and other officers shall have the same powers and authorities as the other receivers and officers to be appointed in pursuance of this Act, and shall be subject and liable to the same penalties and forfeitures, anything herein contained to the contrary thereof in any-wise notwithstanding: Provided always, that if the said instrument of trust in this Act mentioned shall not be sent to the President and Assistant or Committees within sixty days after every such nomination and appointment of trustees, when any such shall have taken place, the trust thereby created shall be considered void, and the trustees appointed under it as discharged from the said trust; and that the said President and Governors and their successors duly appointed shall have power to appoint a receiver or receivers for the port or place from which such instrument or trust shall not have been sent as aforesaid, for the purpose of collecting the duties and allowances payable under and by virtue of this Act at such port or place aforesaid; and that the said President and Governors and their successors shall have power to demand and receive from the outgoing trustee or trustees of such port or place aforesaid an account in writing of the former management of such void trust, and also to demand the payment from such trustee or trustees of any balance which may at the time of such default be in the hands of such trustee or trustees, who are hereby required to pay and deliver over the same to such receiver so to be appointed as aforesaid, together with the books of account and other books belonging to such trustee or trustees relative to such trust.

XVII. That where, on the default or neglect aforesaid, any such receiver or receivers shall be appointed, such appointment shall not be revocable within five years after the same shall have been so made, except by the said President and Governors as they shall see fit.

And after reciting that trustees have been nominated and appointed at many of the outports of England for similar purposes to those hereby provided under and by virtue of the said Act 20 Geo. 2:—

It is Enacted and Declared,

XVIII. That all such trustees are to be deemed within and subject to the provisions of this Act in the same manner as if they had been nominated, appointed, and confirmed under and by virtue thereof; and all such trustees are hereby empowered to continue to act in their respective trusts until the 26th of December 1835, or until new trustees shall have been appointed, nominated, and confirmed by virtue of this Act.

And after noticing that by letters patent bearing date the 18th of December in the Sixth Year of the Reign of King Edward the Sixth, certain merchants therein named, and their successors, residing in the city and port of Bristol, are incorporated by the name of "The Master, Wardens, and Commonalty of Merchant Venturers of the City of Bristol," which said society of merchants are willing, for the benefit of the seamen employed on board ships and vessels in the service of merchants and other traders belonging to the said city and port, to undertake the collection and application of the duties payable under this Act at the said city and port, and to continue to exercise the powers and authorities and to discharge the trusts vested in them by the said Act, 20 Geo. 2, except so far as the same are varied or revoked by this Act:—

It is Enacted,

XIX. That the master, wardens, assistants, and treasurer of the said incorporated society for the time being shall be trustees, and shall have and be vested with the like powers and authorities for collecting, recovering, receiving, and applying the said duties of 2s. per month and 1s. per month to be allowed, collected, and received by virtue of this Act at the said city and port, and for taking, receiving, and applying any sum or sums of money which shall be contributed, devised, or bequeathed by any well-disposed persons for the relief and support of the seamen employed in the ships and vessels belonging to the merchants and traders residing at the said city and port, and their widows and children, as shall be entitled thereto by virtue of this Act, and to appoint and continue receivers and other officers for the purposes aforesaid, as are given by this Act to the said President and Governors, according to such rules, orders, and regulations as are or shall be established by virtue of this Act, or having been established by virtue of the said Act of 20 Geo. 2, are not inconsistent with or revoked by the provisions of this Act; and such receivers and officers shall have the same powers and authorities as the other receivers and officers appointed or continued by virtue of this Act, and shall be subject and liable to the same penalties and forfeitures; and the said master, wardens, assistants, and treasurer shall also have power to take, receive, and hold any lands, tenements, and hereditaments in such

manner and for the like purposes only, as the said President and Governors are by this Act or by the said Act of 20 Geo. 2. empowered to take, receive, and hold lands, tenements, and hereditaments, anything herein contained to the contrary thereof in anywise notwithstanding.

And after stating that the guild or brotherhood of masters and pilots seamen of the Trinity House of the town and port of Kingston-upon-Hull are willing, for the benefit of the seamen employed on board ships and vessels in the service of merchants and other traders belonging to the said town and port, to undertake the collection and application of the said duties payable under this Act at the said town and port, and to continue to exercise the powers and authorities and discharge the trusts vested in them by the said Act, 20 Geo. 2.—

It is Enacted,

XX. That the guild or brotherhood of masters and pilots seamen of the Trinity House of the town and port of Kingston-upon-Hull for the time being shall be trustees, and shall have and be vested with the like powers and authorities for collecting, recovering, and applying the said duties of 2s. per month and 1s. per month to be paid at the said town and port, and for taking, receiving, and applying bequests and donations for the purposes aforesaid, and for appointing and continuing receivers and other officers, as are given and granted by virtue of this Act to the President and Governors aforesaid, according to such rules, orders, and regulations as are or shall be established by virtue of this Act, or being established under and by virtue of the said Act, 20 Geo. 2. are not inconsistent with or revoked by the provisions of this Act; and such receivers and other officers shall have the same powers and authorities as the other receivers and officers to be appointed or continued under this Act, and shall be subject to the like penalties and forfeitures, anything herein contained to the contrary thereof notwithstanding.

And after stating that it is expedient that the port of the city of Glasgow, the port of Greenock, and the ports of Port Glasgow, Crawford's Dyke, Gourock, and their dependencies, all situate and being on the river or Firth of Clyde in Scotland, shall be deemed and taken as one united port for the purposes of this Act:—

It is Enacted,

XXI. That the said port of the city of Glasgow, the port of Greenock, and the ports of Port Glasgow, Crawford's Dyke, Gourock, and their dependencies, all situate and being on the river or Firth of Clyde, shall, for the purposes of this Act, be held, deemed, and taken as one united port; and that it shall and may be lawful for the owners, masters, and commanders of ships and vessels belonging to persons residing at any of the said united ports of Glasgow, Greenock, Port Glasgow, Crawford's Dyke, Gourock, and their dependencies, to assemble and meet at Glasgow, upon notice given for that purpose in the manner hereinbefore directed, and such owners, masters, and commanders, or the greater part of them, being so assembled, are hereby authorized and empowered from time to time to make bye laws, and elect and appoint fifteen persons to be trustees for such united port, of whom five shall be resident at each of the said ports of Glasgow, Greenock, and Port Glasgow, for the purposes of this Act; and which said trustees shall be invested with all the powers and authorities that are given and granted by virtue of this Act to the trustees of any other out-port, and shall have and be vested with full power and authority for recovering, collecting, receiving, and applying all such rates and duties as may be deemed adequate for the relief of the sick, worn-out, and decayed seamen belonging to the said ports and their dependencies, and their widows and families, not exceeding in the whole the said duties of 2s. per month and 1s. per month, to be allowed, collected, and received by virtue of this Act at the said united ports of Glasgow, Greenock, Port Glasgow, Crawford's Dyke, Gourock, and their dependencies, and for taking, receiving, and applying any sum or sums of money which may have been or shall be contributed by any well-disposed persons, or which may have been or shall be otherwise collected for the relief and support of the seamen employed in the ships and vessels belonging to the merchants and traders residing at the said united ports of Glasgow, Greenock, Port Glasgow, Crawford's Dyke, Gourock, and their dependencies, or either of them, and their widows and children, as shall be entitled thereto by virtue of this Act, anything herein contained to the contrary thereof in anywise notwithstanding.

XXII. That all and every the trustees for the several out-ports who now are or shall be appointed under and by virtue of the Act 20 Geo. 2. or of this Act, shall and they are hereby required to transmit annually, within sixty days after every 31st of December in every year, to the said President and Governors, a true and correct account of the receipts and expenditure during the year of such their several trusts, conformable to a form or plan to be prescribed and forwarded by the said President and Governors, under the penalty of 20l., to be recovered and recoverable before a Magistrate or Justice of the Peace as other penalties given by this Act; and that such account of the receipts and expenditure of such trustees, together with an account of the receipts and expenditure of such President and Governors, shall be annually laid before the Honourable the House of Commons.

XXIII. That nothing herein contained shall be construed to extend to oblige the receivers or collectors of the said duty appointed by the trustees of any of the said respective out-ports to send the duplicates of the muster rolls hereby directed to be delivered to the receivers and collectors of the said duties, in the manner hereinbefore mentioned, to the said President and Assistants or Committees, for any vessels belonging to the ports where such payment shall be made, but such duplicates shall be delivered by such collectors or receivers to the said respective trustees, and to be by them filed and preserved for their use and inspection.

XXIV. Provided, That no seaman or other person employed on board any merchant ship, steam packets, or other private ship or vessel shall be entitled to receive any provision or benefit by virtue of this Act, at the port of London or elsewhere, unless he be subject or liable to the said duty hereby imposed, and shall pay the same when and where the same shall be imposed of him by virtue of this Act.

XXV. Provided, That those seamen who shall have been longest in the said service, and contributed most towards the said duties, shall be first provided for as worn out or decrepit.

And after noticing that it may happen that seamen or other persons employed on board ships or vessels may by accident in loading or unloading the same, or otherwise by doing such duty on shore as well as on board such ships or vessels, receive such hurt or damage that it may endanger their lives to send them to the port to which the ships or vessels respectively belong :

It is further Enacted,

XXVI. That in case any seaman or other person employed on board any merchant ship or private ship or vessel shall, in doing his duty on shore, or on board any such ship or vessel while in a port, other than that to which the said ship or vessel shall belong, break an arm or leg, or be otherwise hurt or maimed, so that it is necessary that immediate care should be taken of him, it shall and may be lawful for the said President and Governors at the port of London, and the respective trustees for the out-ports, as the case may be, and they are hereby required, to provide proper relief for every such seaman or other person that shall be so hurt or maimed at their respective ports, until he shall be so well recovered from such hurt or damage as to be removed and sent with safety to the port to which the ship or vessel in which such seaman was at the time of the accident employed shall belong ; and the expense of relieving and maintaining such seaman until he be so removed as aforesaid, and also the expense of removing him, not exceeding 2*d.* per mile, shall be repaid to the said President and Governors at the port of London, or to the trustees, if any, for the respective out-port at which the accident shall have happened, by the trustees of the port to which such ship or vessel shall belong.

XXVII. That in case any seaman or other person shall serve five years or more on board merchant or other ships or vessels belonging to different ports, and shall have paid the monthly duties for that entire period, and shall have become decrepit and worn out, and adjudged either by the said President and Assistants or Committees, or by the trustees at any of the out-ports, a proper object of relief, such person shall be provided for and relieved at the port where he shall have contributed and paid the greatest part of the said duties for the last five years of his service, anything herein contained to the contrary notwithstanding.

And after noticing that it may happen that seamen or other persons employed in the merchant service within the limits of this Act may be shipwrecked, or taken by the enemies of His Majesty, and on their return from shipwreck or imprisonment may be returning with passes to the places of their respective abodes :—

It is further Enacted,

XXVIII. That it shall and may be lawful for the said President and Governors, or the respective trustees, if they think fit, to relieve any such seaman or other person in such manner as they shall think proper.

And after noticing that there may be some circumstances wherein some of the respective certificates hereinbefore mentioned cannot be obtained :—

It is Enacted,

XXIX. That in all cases where the certificates directed to be produced by this Act for the purpose of entitling the parties producing the same to relief and support cannot be obtained, such other certificates as shall be satisfactory to the said President and Governors or trustees respectively shall be received and allowed so as to entitle the party producing the same to the pensions or other relief provided by this Act.

XXX. That all and every sum and sums of money which shall be due for wages to any seaman, mariner, or other person hired or engaged on board any British merchant ship in any port or ports in Great Britain and Ireland, who shall have died on board during the voyage, shall within three calendar months after the arrival of such merchant ship in any port or ports of Great Britain and Ireland, be paid to the trustees of the said port to be appointed in pursuance of this Act, or to the receiver or collector or other authorized agent of the said President and Governors, where there are no such trustees, to and for the use of the executor or executors, administrator or administrators of the seaman, mariner, or other person so dying ; and in case no claim shall be made on the said trustees by the executors or administrators of such seaman, on account of such wages, within one year after the same shall have been paid over as aforesaid, that then the said trustees of the said port shall remit the same to the collector or receiver of the said President and Governors, or other their authorized agent at the port of London, in such manner and at such times as the said President and Governors shall direct, to and for the use of the executor or executors, administrator or administrators of the seaman, mariner, or other person so dying ; and in case no claim shall be made on the said President and Governors by the executors and administrators of such deceased seaman, on account of such wages, within one year after the same shall have been first paid over to any collector, receiver, or agent of the said President and Governors, then it shall be lawful for the said President and Governors to direct such wages to be paid over (but without interest for the same) to the widow, or if there be no widow claiming, then to the lawful issue respectively, or such persons as by virtue of the Statutes of Distribution of Intestates' Effects shall be entitled to the same ; and if any master or commander of any such merchant ship shall neglect or refuse to pay over or tender to the said trustees, or the receiver or collector at the port aforesaid, all and every such sum and sums of money within the time hereinbefore limited, he shall forfeit and pay for every such offence double the amount of the sum or sums of money so due to any seaman, mariner, or other person for wages aforesaid.

XXXI. Provided, That all and every such sum and sums of money as shall not be lawfully demanded of the said receiver, collector, or other authorized agent of the said President and Governors at the port of London by any legal representative, or widow or issue, or other person hereby authorized, as the case may be, within the term of two years after the first payment thereof to any collector or agent of the said President and Governors, shall be forfeited, and shall go and be paid to the use of the said President and Governors, or to the trustees of the port, if any, to which such ship belongs, by such receiver, collector, or other authorized agent of the said President and Governors at the port of London aforesaid.

And after reciting that by an Act passed in the last session of the present Parliament, intituled 'An Act for incorporating the Members of a Society commonly called The Seamen's Hospital Society, and their Successors, as therein is mentioned and provided; and for the better enabling and empowering them to carry on the charitable and useful Designs of the said Society,' a certain society was incorporated by the name of The Seamen's Hospital Society: and that the said society was instituted for the charitable relief of sick and distressed seamen in the port of London, and for the providing them with medical and surgical aid, lodging, support, and clothing until convalescent: And that it is expedient to provide some permanent funds for enabling the said society to carry on their said charitable designs:—

It is Enacted,

XXXII. That the said President and Governors, and their successors, or their treasurer or other officer for the time being on their behalf, shall and do, from and after this Act shall take effect, from time to time pay over to the said Seamen's Hospital Society, or their treasurer for the time being, the amount of 5*l.* in every 100*l.*, and in the same proportion for any greater or less sum, on the net amount to be collected and received by the said President and Governors and their successors, and by their receiver, collector, or other authorized agent at the port of London, for the aforesaid duties of 2*s.* per mensem, and 1*s.* per mensem hereby made payable, so far as the same shall be derived from the duty imposed upon seamen, or in respect of the wages of seamen, in such ships or vessels as shall belong to the said port of London, such payments to be made to the said Seamen's Hospital Society, or their treasurer for the time being, every three months; (that is to say,) on the day of on the day of on the day of and on the day of in every year; and the first of such payments to be made on such of the said days as shall happen next after this Act shall take effect; all such payments to be applied by the said Seamen's Hospital Society according to the directions of the aforesaid Act of the last session of this present Parliament.

XXXIII. That it shall and may be lawful to and for the said receiver or collector or other authorized agent of the said President and Governors at the port of London aforesaid, and he is hereby authorized, to deduct and receive from the gross amount of such sum or sums of money as shall be derived from the unclaimed wages of deceased seamen, so received by him in respect of such wages of deceased seamen as aforesaid, the sum of 5*l.* per centum as, for, and in satisfaction of all expenses and trouble he may be put to in the receipt, collection, or transmission thereof.

XXXIV. That all penalties and forfeitures given by this Act shall be paid and applied in manner following; (that is to say,) one third part thereof to and for the person or persons who shall inform and sue for the same, and the other two third parts thereof to the said President and Governors, on account of the trustees of the port to which such ship or vessel in respect of which the forfeiture shall arise belongs; and such penalty or forfeiture shall be recovered by bill, plaint, or information in any of His Majesty's courts of record at Westminster, or such of them as do not exceed the sum of 20*l.*, upon information, on the oath of one or more witnesses, before any one or more of His Majesty's Justice or Justices of the Peace in any part of the Kingdom of Great Britain or Ireland, who shall not reside more than ten miles from the place of abode of the person or persons complained of; which Justice or Justices is and are hereby authorized and required to issue out his or their warrant or warrants to bring before him or them every person charged with any offence under this Act, and, in case he or they shall refuse or neglect to pay such penalties or forfeitures as aforesaid, to issue his or their warrant or warrants to levy the same by distress and sale of the offender's goods, and, in case no distress can be found, to commit the offender or offenders to the common goal of the city, town, or place within the jurisdiction of such respective Justice or Justices, there to remain for the space of three calendar months, or until he or they shall pay the same.

XXXV. That if any action shall be brought or suit be commenced against any person or persons for anything done in pursuance of this Act, or in relation to the premises, or any of them, every such action or suit shall be laid or brought within two calendar months next after the grievance committed in the county or place where the fact was done, and not elsewhere; and the defendant or defendants in such action may plead the general issue, and give this Act, and a tender of amends before action brought, or the special matter, in evidence at any trial to be had thereupon, and that the act or matter was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, and shall be brought in any other county or place than as aforesaid, or the jury shall not consider the aggrieved party entitled to more than the amends tendered, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, and shall have such remedy for recovering the same as any defendant or defendants hath or have for costs in other cases at law.

XXXVI. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE (A.) to which the foregoing Act refers.

A LIST and ACCOUNT of the CREW (including the MASTER and APPRENTICES) of the SHIP _____ of the Port of _____ whereof _____ is Master, at the Period of her Departure from the Port of _____ in the United Kingdom, and on her return to the Port of _____ in the United Kingdom, and also of those who have joined the Ship at any Time during the Voyage.

[illegible]

CAP. LIII.—IRELAND.

AN ACT to continue for One Year, and from thence to the End of the then next Session of Parliament, several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.

(18th August 1834.)

By this ACT,

After reciting that an Act was made 47 Geo. 3. c. 54, intituled 'An Act to prevent improper Persons from having Arms in Ireland,' to continue in force for a certain period therein mentioned : and that the said Act was by another Act made in the 50 Geo. 3. continued and amended : and that by another Act, 4 Geo. 4, the said recited Acts of 47 and 50 Geo. 3. were further continued; and the said Acts were by another Act, 10 Geo. 4, amended and further continued for one year, and until the end of the then next session of Parliament, when the same expired : and that another Act was made in 1 & 2 Will. 4, whereby from the passing thereof the said recited Acts were revived and continued for one year : and that by another Act, 2 & 3 Will. 4, the said recited Acts were further continued for one year, and until the end of this present session of Parliament, and it is expedient that the said Acts should be further continued, but the same cannot be effected without the authority of Parliament :—

It is Enacted,

1. That the said recited Act of 47 Geo. 3, as the said Act is amended by the said recited Act of 50 Geo. 3, and by the said recited Act of 10 Geo. 4, and as the said Acts were revived by the said recited Act of 1 & 2 Will. 4, shall be and the said Acts are hereby continued, and shall be and remain in force for the term of one year from the passing of this Act, and thenceforth until the end of the then next session of Parliament.

And after reciting that an Act was passed in 1 Will. 4. c. 44, intituled, 'An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into Ireland, and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in Ireland;' and that such Act was by the hereinbefore recited Act, 2 & 3 Will. 4, continued for the term of one year, and thenceforth until the end of this present session of Parliament; and that it is expedient that the said Act should be further continued:—

It is Enacted,

11. That the said recited Act of 1 Will. 4. shall be and the said Act is hereby continued and shall be and remain in force for the term of one year from the passing of this Act, and thenceforth until the end of the then next session of Parliament.

CAP. LIV.

AN ACT to continue for Five Years, from the Fifth Day of April One thousand eight hundred and thirty-five, and to amend the Acts for authorizing a Composition for Assessed Taxes.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Assessments for the year ending 5th of April 1835 to remain to the same amount if compounded for under this Act for the term of five years.
2. Compositions under former Acts may be renewed.
3. How contracts of composition are to be made.
4. Enumeration of articles to be compounded for under this Act.
5. Persons assessed for the year ending the 5th of April 1835 may compound on the amount assessed in that year, paying an additional duty of 5l. per cent.
6. Exception as to taxes in respect of articles kept for trade, &c.
7. Persons who have compounded for window tax for year ending 5th of April 1835, and persons not then liable to said tax, may open additional windows free of duty.—Proviso as to additions to houses.
8. Compounders on the other assessed taxes may renew the same on the amount charged thereby, together with a further duty of 5l. per cent.
9. Persons desirous of continuing their former compositions to deliver their contract or copy, with notice, before the 5th of April 1835 in England, and before Whitsunday 1835 in Scotland.
10. Persons having compounded and reduced their establishments may compound de novo on the assessment of 1835, on giving notice within three months, and annexing thereto a return of articles chargeable.
11. Persons who, since compounding, have increased their establishments to double the amount compounded for, or who have compounded on too small an amount of duty, may enter into compositions de novo.
12. Persons who have compounded under former Acts, giving notice of reduction in their establishment, to enter into new compositions.
13. Persons beginning to keep or increasing an establishment in 1834 may compound on the assessment of the succeeding year.
14. Renewed composition not to extend to articles of a different description than authorized by former composition.
15. Compounders, having removed to another division of Commissioners, may compound therein.
16. Compounders entitled to the like privileges of increasing establishment, &c. as under former Acts.—Exceptions.
17. As to persons assessed in two places, or who have compounded under former Acts in places where they are not entitled to compound under this Act.
18. Compounders not liable to penalty of Assessed Tax Acts, except penalty for concealment to evade assessment of duty.
19. Persons occupying houses or keeping articles compounded for by other persons, or set up by other persons under colour of the composition, to be liable to duty.—Intent to defraud, treble the amount of duty.
20. Persons procuring a contract to be entered into to a less amount than ought to be included, the contract to be void, and the offender to forfeit 50l.
21. Persons having diminished their establishments during their residence out of Great Britain not entitled to compound.
22. In cases of sickness, persons may sign their contracts in the presence of the collector.
23. Compositions with persons afterwards succeeding to estates, and keeping larger establishments, to cease, with power to compound on the assessment.
24. Commissioners and other officers acting under the former Composition Acts to act in like manner in the execution of this Act.
25. Provisions of former Acts to remain in force.
26. Limitation of time for executing the powers of former Acts extended to this Act.
27. Persons intending to compound to give notice thereof, together with a statement of the articles of composition.
28. Errors or mistakes in compositions may be amended.
29. The monies arising by compositions to be paid into the Consolidated Fund.
30. Construction of words.
31. Schedule annexed to be deemed part of Act.—How form shall be used.

By this Act,

After noticing that under and by virtue of several Acts divers persons have compounded for their assessed taxes in Great Britain for a certain term limited by the said Acts respectively, and their contracts of composition have been from time to time renewed or continued for a further term under and by virtue of several other Acts passed for that purpose; and such contracts will expire on the 5th of April 1835; and that it is expedient to relieve such persons who have so compounded as aforesaid, as well as others who may be willing to compound under the provisions of this Act, from an annual assessment, for a further term herein limited:—

It is Enacted,

1. That the assessments made or to be made under and by virtue of the Acts in force at and immediately before the passing of this Act, in relation to such of the duties of assessed taxes as may be comprised in any composition to be entered into under this Act, for the year to end on the 5th of April 1835, shall severally be and remain to the same annual amount in respect of every person who shall compound for the annual payment of the said assessments under this Act for the term of five years, to be computed from the 5th of April 1835.

II. That the several compositions entered into under any former Act or Acts, and now in force, on any of the duties of assessed taxes, may, in respect of such of the said duties as are herein enumerated, be renewed under this Act for the term of five years, to be computed from the said 5th of April 1835, in the manner, and subject to the terms, conditions, and exceptions herein prescribed.

III. That every new contract of composition entered into under this Act shall contain in the body thereof the number of servants, carriages, horses, and other articles of the establishment upon which composition shall be made as aforesaid, and shall be made according to the form set forth in the Schedule to this Act, *mutatis mutandis*.

IV. That no composition shall be entered into or renewed under this Act for any duty or duties of assessed taxes other than the duties on the following articles, forming the establishment of the person so compounding, and retained, employed, kept and used for his own use, and not for or to the use, benefit, or profit of any other person, or to be lent or let to hire; viz. the duties on servants mentioned in the Schedule of an Act, 48 Geo. 3, and in the Schedule of another Act, 52 Geo. 3, marked (C.) No. I; on carriages mentioned in the Schedules of the said Acts respectively marked (D.) No. I. and No. II; on horses mentioned in the Schedules of the said Acts respectively marked (E.) No. I. and No. II, and (F.) No. I. whether such horses are subject to the rates mentioned in the said Acts, or to any reduced duty by any subsequent Act or Acts; on dogs mentioned in the Schedule of the said Acts marked (G.); on persons in respect of using or wearing hair powder, mentioned in the Schedule of the said Act, 48 Geo. 3, marked (I.); and on persons in respect of using or wearing armorial bearings or ensigns, mentioned in the Schedule of the said last-mentioned Act marked (K.); and every such composition which shall comprise any other duty or duties than the duties enumerated shall be void and of no effect in respect of such other duties, and for which the party shall be subject to assessment as if no such composition had been entered into, according to the laws in force relating to such assessments.

V. That every person not having compounded under the said former Acts, who shall be duly assessed for the year ending on the 5th of April 1835 to the rates and duties chargeable under the Acts relating to assessed taxes, is hereby declared to be competent to compound for his assessed taxes herein enumerated for the term of five years, to commence from the 5th of April 1835, on the same amounts annually as shall be assessed on him for the year ending on the said 5th of April 1835, together with an additional annual duty of 1s. for every 20s. of the respective amounts so assessed, and so after that rate for any greater or lesser sum than 20s., so as not to include in the said additional duty any fraction of a penny.

VI. That no composition shall be entered into or renewed under this Act with any person in trade in respect of any articles kept for the purpose of trade; nor shall any composition be entered into upon any assessment charged upon two or more persons in partnership; nor shall any composition under the said recited Acts with two or more partners be renewed under this Act; nor upon any carriages, horses, or other articles let or used for hire.

VII. That every person who is or shall be duly assessed to, or who hath compounded under the said former Acts for his dwelling-house, warehouse, shop, or other premises, in respect of the windows or lights therein, for the year ending on the 5th of April 1835, shall be entitled to make or open and keep open, free of duty, any additional number of windows or lights in his dwelling-house, warehouse, shop, or other premises so assessed or compounded for; and that no person not so assessed or compounding by reason of his dwelling-house, warehouse, shop, or other premises not containing seven windows or lights, shall be brought into assessment, or made liable to rates and duties, because of the opening of any additional number of windows or lights in such dwelling-house, warehouse, shop, or other premises: Provided always, that if any such person as aforesaid, whether he shall be assessed or hath compounded, or shall be liable to be assessed as aforesaid, or not, shall erect or build any addition to such his dwelling-house, warehouse, shop, or premises, or make or open any communication with any other tenement or building adjoining or near thereto, then and in any such case all the windows and lights in such dwelling-house, warehouse, shop, or premises, and in such additional or adjoining tenement or building, shall be rated and assessed together to the said duties, in like manner as the same would before the passing of this Act be liable to be rated and assessed under any Act or Acts in force.

VIII. That every person, except as hereinafter is excepted, who hath compounded, by any contract now in force under the said former Acts, for any of the duties of assessed taxes herein enumerated, is hereby declared to be competent to renew his former composition as to so much and such part thereof as relates to the duties on the articles herein enumerated, on the amount of duty charged and now payable on the same articles respectively, and comprised in the said former composition, together with the additional rate or several additional rates of duty of 5l. per cent. also charged therein under the said former Acts in respect of the said articles, which several sums shall form the aggregate amount on which any such composition may be renewed under this Act; and the following shall be the terms and conditions of such renewal; (that is to say,) where the person who hath compounded as aforesaid hath not increased his establishment of servants, horses, carriages, or other articles upon which such composition hath been made to such an extent that the duties chargeable thereon under an assessment would exceed by more than one fourth the total amount of the sum now payable on such contract of composition, there shall be paid and payable a further additional duty of 1s. for every 20s. of the said aggregate amount, and so after that rate for any greater or less sum than 20s., so as not to include any fraction of 1d. in the said further duty; and where such person hath increased such his establishment beyond the extent aforesaid, but so that the duties chargeable thereon under an assessment would not exceed double the sum now payable under such contract of composition, there shall be paid and payable the further additional duty of 2s. for every 20s. of the said aggregate amount, and so after that rate for any greater or less sum than 20s., so as not to include any fraction of 1d. in the said further duty; and the duties on articles not herein enumerated nor compounded for as aforesaid shall continue to be assessed as if this Act had not been made.

IX. That every person who is hereby declared to be competent to renew his former composition under this Act, and shall be desirous so to do, shall, on or before the 5th of April 1835 in England, and on or before the term of Whitsunday in the same year in Scotland, deliver or cause to be delivered to the Commissioners of the district in which such person shall reside, or to the clerk of such Commissioners, the contract of his former composition, or a true copy or certificate thereof, under the hands of any two of the Commissioners acting for the division in which such contract was entered into, annexing thereto a notice

according to the form in the Schedule to this Act annexed, declaring his intention to renew the same, and containing a full, true, and complete return or list of the greatest number of servants, carriages, horses, and other articles of his establishment chargeable with duty which shall have been kept and retained or employed by such person at any time during the year commencing from the 5th of April 1834.

x. That if any person having compounded under the said former Acts shall have reduced his establishment since entering into such composition, whereby such person may be chargeable with a lesser amount of assessed taxes for the year commencing from the 5th April 1835 than the duty compounded for, and shall by reason thereof be desirous of waiving the said composition and of entering into a composition *de novo*, it shall be lawful for him so to do upon giving notice in writing of such his intention to the surveyor of the said duties acting for the district in which such person shall reside, within three calendar months after the passing of this Act, annexing to such notice a full, true, and complete return or list of the greatest number of articles chargeable with duty kept and retained or employed by such person after the 5th of April 1834, so that an assessment may be duly made for the year to commence from the 5th of April 1835 on all the articles chargeable for that year; and it shall be lawful for the Commissioners (subject to the examinations in the manner hereinafter provided for compositions with persons under this Act who shall not have compounded under the said recited Acts) to enter into composition under the provisions of this Act with the person giving the notice aforesaid, upon the amount of such assessment as aforesaid, with the additional duty granted thereon by this Act, to all intents as if such person had not compounded under the said former Acts.

xi. Provided, That nothing herein contained shall authorize the renewal of any contract of composition with any person who hath since increased his establishment of servants, carriages, horses, or other articles upon which such composition hath been made, so that the duties chargeable thereon under an assessment would amount to more than double the sum now payable under such contract of composition, nor with any person who hath compounded on a less amount of duty than ought to have been included in such composition; but nevertheless it shall be lawful for the said respective Commissioners in every such case as aforesaid, after any such person shall have made a *bond fide* return of the greatest number of servants, carriages, horses, and other articles of his establishment, according to the laws in force relating to the said taxes, for the year to commence from the 5th of April 1835, in order to an assessment thereon for that year, and who shall be duly assessed for that year to his assessed taxes, to contract and enter into composition *de novo* with such person on the amount assessed for that year on him in respect of the articles herein enumerated, together with the additional duty of 5l. per centum hereby granted on the amount of other assessments compounded for under this Act.

xii. Provided, That no person who hath compounded under the said former Acts, and who shall give notice, in pursuance of the said Acts, of his intention to discontinue any part of his increased establishment of servants, carriages, horses, or other articles, in the manner provided by the said Acts, shall be allowed to renew his former contract of composition under this Act, nor to enter into any new contract of composition under this Act, except upon the amount of an assessment made on a *bond fide* return of the greatest number of servants, carriages, horses, and other such articles as aforesaid kept and retained or employed by him in the year commencing from the 5th of April 1834, together with the additional duty of 5l. per cent. on such amount, in the same manner as if such person had not compounded under the said former Acts, the said notice, or anything in the said former Acts or this Act, to the contrary thereof notwithstanding.

xiii. That every person who shall have begun to keep, use, or employ any servants, carriages, horses, or other articles before enumerated, or any additional number thereof, in the year ending on the said 5th of April 1835, and who shall deliver a statement, as hereinafter is required, of the number of servants, carriages, horses, or other articles aforesaid, so that an assessment may be duly made thereon for the year to commence from the 5th of April 1835, is hereby declared to be competent to compound under this Act on the amount charged in and by such assessment to be made for the said year to commence from the said 5th of April 1835, on the same terms and conditions as if such person had been so assessed for the preceding year.

xiv. Provided, That nothing in this Act contained shall be construed to extend any renewed composition under the same to any articles of a different description than is authorized by the composition entered into under the said former Acts, which shall have been set up or kept since the making of the said composition, but every such person shall be assessed for the said articles as if the said former composition had not been renewed; but nevertheless it shall be lawful for any such person who shall have been assessed for the said additional articles for the year ending the 5th of April 1835, or shall be assessed for the same for the subsequent year, and who shall renew his former composition, also to compound for the said additional articles on the amount of such assessment, and the additional rate granted by this Act, by entering into a separate contract for the said articles so assessed.

xv. That every person who shall have compounded under the said former Acts for the articles of his establishment, and shall have removed from the division where the former composition was entered into, and who shall be desirous to renew such composition under this Act in respect of the same establishment, shall deliver to the Commissioners of the division where he shall reside the contract of his former composition, or a true copy or certificate thereof, under the hands of any two of the Commissioners entering into the said contract, annexing thereto a notice, according to the form in the Schedule to this Act annexed, declaring his intention to renew the same; and it shall then be lawful for the said Commissioners to renew the same, according to the provisions of this Act, in like manner as if the said former composition had been entered into by the Commissioners of the division where the same is intended to be renewed.

xvi. That every person entering into or renewing any composition according to the provisions of this Act, and paying the amount of the sums compounded for at the times and in the proportions and in manner specified in the said former Acts and in this Act, and doing and performing all other acts, matters, and things required by the said Acts, shall be entitled to the like privileges of setting up, or retaining and keeping, using or employing, after the 5th of April 1835, any additional article or articles composing his establishment, to and for his own use, but not otherwise, as the persons compounding under the said former Acts are now entitled to according to the provisions now in force of the said Acts or any of them, and not otherwise provided by this Act, and shall be exempt from all assessments on such additional article or articles of his establishment during the term mentioned in such composition: Provided always, that no person who shall compound or renew any composition

under this Act for the duties on any dog or dogs, other than bounds, shall set up or keep free of duty any bound or bounds, nor shall any person who shall compound for any less number of bounds than ten set up or keep free of duty any additional number of bounds: Provided also, that the privileges and immunities in this clause mentioned shall not extend to any article of his establishment specially excluded by this Act from every composition to be made or renewed under the same, in which excepted cases further or increased charges shall and may be made, and the fines, penalties, and forfeitures incurred under any of the Acts relating to assessed taxes shall and may be sued for, prosecuted, and recovered, according to the provisions of the said several Acts, as fully and effectually as if no such composition had been made or renewed under this Act.

XVII. That every person who shall be assessed for any servants, carriages, horses, or other chargeable articles aforesaid, for the year ending the 5th of April 1835, in two or more places in Great Britain, or who shall be assessed for that year, or shall have compounded under the said former Acts in a different place than where he is entitled to compound under this Act, shall deliver, or cause to be delivered, to the Commissioners to whom such application to compound shall be made, a certificate or certificates under the hands of the respective surveyors of the districts where he shall be so assessed or have compounded under the said Acts, containing the particulars of such assessment or composition in every such other division or place, according to such forms as shall be devised by the Commissioners of Stamps and Taxes pursuant to this Act; and every composition entered into or renewed contrary to the provisions before mentioned shall be vacated and made of no effect by the judgment of the Commissioners of Stamps and Taxes, on due proof before them by like certificate of any such assessment for the said year, or of any composition, under the said Acts, which respectively shall not have been certified to the Commissioners, parties to any such composition, nor comprised therein, unless it shall be proved to their satisfaction respectively that the same has arisen by error or mistake; in which cases the said Commissioners of Stamps and Taxes respectively may consent that a new composition shall be entered into, to take effect from the 5th of April 1835.

XVIII. That every person compounding as aforesaid, or renewing any composition under this Act, shall be freed and discharged from any penalty or penalties contained in the Acts relating to assessed taxes imposed on persons for non-performance of any matter or thing required by the said Acts to be done by persons chargeable to the duties contained therein, during the term herein limited, save and except that every such person who in his return made under the Acts relating to assessed taxes shall conceal any servant, carriage, horse, or other article herein enumerated, whereby he shall have escaped assessment for such servant, carriage, horse, or other article aforesaid, for the year ending the 5th of April 1835, or who in any statement, list, or declaration to be delivered under this Act shall conceal any such article, so that he shall not have caused the same to be comprised in his composition under this Act, shall be liable to the like penalty as if such person had not compounded, and had continued liable to assessment under the said Acts relating to assessed taxes.

XIX. That if any person who shall not compound under this Act shall, after the 5th April 1835, retain or keep for his own use any article chargeable with any duty under the Acts relating to assessed taxes, which hath been compounded for by any other person, or which hath been set up, retained, used, employed, or kept by such other person under his composition, or under colour or pretence thereof, the same article continuing to belong to the person so compounding, and which hath not been compounded for by the person so retaining, using, employing, or keeping the said article chargeable as aforesaid, nor under his composition, every such person so retaining, using, employing, or keeping for his own use any such article as aforesaid shall be liable to an assessment in respect of any such article as aforesaid in like manner and to the like amount as if the same article had belonged to him, and as if no composition had been made by such other person; and on due proof before the Commissioners that the same hath been done with intent to defraud the revenue, every such person shall be assessed in treble the amount of duty payable as aforesaid.

XX. That if any person shall by fraud or evil cause or procure the assessment on which any contract of composition shall be entered into under this Act to be made on a lesser amount of duty than ought to be charged on him, or by any the ways or means in this Act mentioned shall cause or procure any contract of composition under this Act to be entered into, or any contract of composition entered into under the said former Acts or any of them to be renewed under this Act, on a lesser amount of duty than ought to be included in the contract of composition under this Act, every contract so entered into or renewed under this Act shall be void and of no effect; and every person so offending shall forfeit the sum of 50*l.* to be sued for, recovered, and applied as any penalty contained in the Acts relating to assessed taxes may be sued for, recovered, and applied.

XXI. That no composition for assessed taxes shall be entered into or renewed under this Act with any person who shall have resided out of Great Britain before the passing of this Act for a temporary purpose only, and who shall have ceased to be assessed to the said duties, or shall have been assessed to a lesser amount, during such his residence out of Great Britain, and who shall be assessed to the said duties on a lesser amount than he was assessed before his departure from Great Britain for the said year ending the 5th of April 1835, nor with any person who shall be out of Great Britain at the time of executing this Act.

XXII. That any person residing within Great Britain may, in cases of sickness or infirmity, or other reasonable cause, with the consent of the said respective Commissioners, execute such contract in the presence of the collectors of assessed taxes, or one of them, acting for the parish or place where the person compounding shall reside, anything in the said former Acts or this Act to the contrary notwithstanding: Provided also, that every such collector shall testify the execution of such contract by signing the same in the presence of the party so contracting: Provided also, that any person duly assessed in Great Britain for the year ending the 5th of April 1835, and entitled to compound under this Act, but residing in Ireland at the time of executing the contract of his or her composition by the respective Commissioners under this Act, may execute such contract by his or her lawful attorney duly constituted, the said power of attorney being first delivered to the said respective Commissioners for the purpose, which contract so executed shall be of the like force and effect as if the party compounding had personally executed the same.

XXIII. That every composition entered into or renewed under this Act in respect of servants, carriages, horses, or other articles before enumerated, with any person hereinafter described, shall cease and determine at the respective times hereinafter

mentioned; (that is to say,) if any person who shall compound or renew any composition under this Act shall afterwards come into possession of any estate, real or personal, or become entitled to the rents or profits of any estate, real or personal, upon the death of any person, whether by descent, gift or settlement, or by virtue or in pursuance of any devise or legacy, or under the statute for the distribution of estates of intestates, and shall thereupon retain any servants, carriages, horses, or other articles aforesaid forming the establishment of the person so dying, or shall keep any other servants, carriages, horses, or other articles aforesaid of the same description and chargeable to the like duties by the said Acts relating to assessed taxes, in lieu and in the place of the like articles kept by the person so dying, or any part thereof, or who at any time after he shall come into the possession of or be entitled unto the rents or profits of any such estate by any the means aforesaid, and during the term herein limited for the continuance of such compositions as last aforesaid, begin to keep any greater number of servants, carriages, horses, or other articles aforesaid than hath been compounded for by him, the duties on which increased number, according to the Acts relating to assessed taxes, amount unto one fourth part of the amount of duty so compounded for, then and in every such case the compositions entered into under this Act by any such person hereinbefore described shall respectively cease and determine at the end of the year of assessment, according to the Acts relating to assessed taxes, in which any such increase of his establishment shall take place; also if any person shall intermarry after entering into or renewing any composition under this Act, and entered into by the husband and wife, or either of them, and the husband shall by such marriage come into the possession or to the use or enjoyment of the rents or profits of any estate, real or personal, belonging to his wife before marriage, whether upon such marriage the husband shall acquire any interest in law or equity in such estate or not, or whether the said estate shall remain in or be vested to the sole use of the wife or not, in case the husband shall upon such marriage retain or keep any servants, carriages, horses, or other articles herein enumerated, kept by or belonging to his wife before marriage, or in case the wife shall after such marriage retain her former establishment, or any part thereof, or in case the husband or wife shall upon such marriage begin to keep any other servants, carriages, horses, or other articles herein enumerated, of the same description and chargeable to the like duties by the said Acts relating to assessed taxes, in lieu and in the place of the establishment of the wife before marriage or any part thereof, or so that the separate establishment of either husband or wife, or their joint establishment, would have been assessable on the husband if no composition had been entered into or renewed, to an amount of duty exceeding one fourth part of such composition, then and in every such case the composition entered into or renewed under this Act by any such persons, or either of them, so intermarrying and keeping any such establishment as aforesaid, shall cease and determine at the end of the year of assessment in which such increased establishment shall begin to be kept; but nevertheless it shall be lawful for the respective Commissioners in every such case, after such person shall have made a *bond fide* return of the greatest number of servants, carriages, horses, and other articles of his or her establishment charged with any duty of assessed taxes, according to the laws in force relating to the said taxes, for the year next after the determination of such composition, in order to an assessment thereon for that year, and who shall be duly assessed for that year to his or her assessed taxes, to contract and enter into composition *de novo* with any such person for the remainder of the term then to come and unexpired on the amount so assessed on him or her for that year, together with the additional duty hereby granted on the amounts of other assessments to be compounded for under this Act.

XIV. That the several persons who for the time being shall be Commissioners for putting in execution the Acts relating to assessed taxes shall be Commissioners for putting in execution this Act, and the powers herein referred to or contained, in all and every the respective counties, ridings, divisions, shires, and stewardries, cities, boroughs, cinque ports, towns, and places in Great Britain; and the several assessors, collectors, surveyors, inspectors, and inspectors general for the time being, appointed or to be appointed to put into execution the said Acts, shall respectively be assessors, collectors, surveyors, inspectors, and inspectors general to put in execution this Act within the limits of their respective divisions, districts, and places to which they are or shall be appointed; and the respective Commissioners and other persons authorized by the said former Acts to contract and agree for such compositions, or to do or perform any other matter or thing for carrying the said Acts into execution, shall severally and respectively contract and agree for the compositions to be entered into or renewed under this Act, and shall do and perform all such other matters and things as are required to be done and performed in the execution of this Act, within the limits of their respective jurisdictions; and all the powers and authorities given and granted to them by or under the said former Acts or any of them shall and they are hereby declared to be revived and continued, for and during the term herein limited, in as ample and effectual manner as if the same powers and authorities were expressly re-enacted by this Act, and shall severally be applied, construed, deemed, and taken to belong to this Act, as part thereof, in like manner as if the same had been herein expressly given, granted, and applied by this Act; and the said Commissioners and others before mentioned are hereby empowered and required to do and perform all things necessary for putting this Act in execution in the like and in as full and ample a manner as they or any of them are or were authorized to put in execution the said former Acts.

XV. That all and every the provisions, directions, rules, regulations, methods, clauses, penalties, matters, and things contained in any former Act or Acts, and now in force, although expressly applied to the compositions made or renewed under the said Acts or any of them, shall severally and respectively be construed and deemed to apply to the compositions to be entered into or renewed under this Act, and (except where other provisions, directions, rules, regulations, methods, clauses, penalties, matters, and things are substituted in and by this Act,) shall severally and respectively be used and practised in ascertaining the amount on which any composition is to be made, and the additional rate to be imposed thereon, and in doing and performing all other matters and things necessary for carrying this Act into execution, and shall be construed, deemed, and taken to belong to this Act, as part thereof, and shall respectively be applied and enforced for the raising, levying, paying, and accounting for the duties to arise under this Act, and for the prevention and punishment of fraud, imposition, and evasion, in like manner as if the same were severally repeated in and expressly applied to the provisions of this Act; and where other provisions, directions, rules, regulations, methods, clauses, penalties, matters, or things are substituted by this Act in lieu of any provisions, directions, rules, regulations, methods, clauses, penalties, matters, or things contained in the said former Acts, the same respectively shall be construed, used, and applied in such manner and to the like effect in all respects as if the said former Acts and this Act had been incorporated, and as if this Act had expressly abrogated and made void the several parts of the said former Acts in so far whereof any part or parts of this Act are or is substituted.

XXVI. That where the said former Acts contain any period or limitation of time for the doing or performing of any act, matter, or thing therein required, the powers and authorities of the said Acts shall be used and practised for the doing and performing the like acts, matters, and things required by this Act, observing therein the period or limitation of time expressed in this Act.

XXVII. That every person who is hereby declared to be competent to compound under this Act, and shall be desirous so to do, shall, on or before the 5th of April 1835 in England, and on or before the term of Whitsunday in the same year in Scotland, deliver or cause to be delivered, free of charge, to the surveyor of the district acting for the parish or place where such person shall reside, a notice in writing according to the form in the Schedule to this Act annexed, declaring his intention to take the benefit of this Act, which notice shall be signed, and bear date on the day of such signature, by such person (or by some authorized agent on his behalf, residing in such district, and declaring therein the place of his residence,) in the presence of one or more of the assessors or collectors of the said duties for the same parish or place where the person intending to compound shall reside, or in the presence of such surveyor, who respectively shall attest such signature by signing the same with his proper name; and every such notice shall contain the number and description of the articles on which such person shall intend to compound, which notices shall be in the form in the Schedule to this Act annexed; and all such notices shall and may be retained in the hands of the said surveyors respectively until the expiration of two calendar months after delivery thereof; and every such surveyor shall carefully and diligently inspect and examine every assessment, and every contract of composition entered into under the said former Acts, relating to the persons so applying respectively, and also the notices delivered by such persons under the said Acts to discontinue any increased establishment set up under any such contract or any part thereof, and after such examination thereof every such surveyor shall from time to time, within the said period of two calendar months, deliver the same to and therewith certify to the respective Commissioners authorized by this Act to contract for such compositions for the parishes or places where such applications shall have been made, either his satisfaction with the notices delivered in such cases, or his objection thereto, together with the particular article or articles omitted, and the amount of duty on which such composition ought to be made; and no composition shall be entered into or renewed in any of the cases so objected to until a full and complete return shall be made of every article chargeable with duty on which the composition ought to be made under the provisions of this Act; and every composition entered into or renewed contrary to the provisions of this Act shall be void and of no effect, and the person entering into or renewing the same shall be liable to assessment according to the provisions of the Acts in force relating to assessed taxes, as if no composition had been entered into or renewed, and to the charge of the respective surveyors to be made under the authority and subject to the provisions of the said last-mentioned Acts.

XXVIII. Provided, That in every case where by any error or mistake the just amount of duty on which the person compounding ought to compound, or the additional rate thereon, shall not be duly inserted or calculated in the contract of composition, it shall be lawful for the Commissioners of Stamps and Taxes, by certificate under the hands of any two or more of them directed to the Commissioners of the division by whom such composition was made, to cause the same to be amended, or a new contract made and executed, in such manner as may seem to them expedient to obviate such error or mistake, and conformable to the true intent and meaning of this Act; and the said respective Commissioners to whom such certificate shall be directed shall cause the same to be amended accordingly.

XXIX. That all the monies arising by compositions entered into or renewed under the said former Acts or this Act (the necessary charges of raising and accounting for the same excepted) shall from time to time be paid into the receipt of His Majesty's Exchequer at Westminster, to the account of assessed taxes in Great Britain, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

XXX. That the word "horse" or "horses," wherever the same occurs in this Act, shall respectively be construed to mean and include any mare or gelding or mares or geldings, as well as any horse or horses; and that wherever in this Act any word is used importing the singular number or masculine gender only, yet such word importing the singular number shall be construed to extend and be applied to several persons or things as well as to one person or thing, and such word importing the masculine gender shall be construed to extend and be applied to females as well as males, unless in the several cases aforesaid, or any of them, it be otherwise specially provided, or there be something in the subject or context repugnant to such constructions.

XXXI. That the Schedule hereunto annexed shall be deemed a part of this Act, as if the same had been inserted herein under a special enactment: Provided always, that it shall be lawful for the Commissioners of this Act to use the said form, as well where the composition shall comprise all the duties therein mentioned, or a part or parts thereof only, striking out all such part or parts thereof as may not relate to the duties not intended to be included therein.

The SCHEDULE to which this Act refers.

No. 1.

NOTICE to be used by Persons desirous of compounding for their Assessed Taxes.

To
in the County of

Surveyor acting for the Parish of
and to the Commissioners acting for the said Division.

in the Division of

Take Notice, That I am desirous of compounding for Assessed Taxes under the Powers, Conditions, and Provisions of an

Act passed in the Fifth Year of the Reign of King William the Fourth on my Establishment in the said
; the Particulars of which are as follows; viz.

of

Establishment.	Number.
Servants	Schedule C. No. I.
Four-wheel Carriages.....	Schedule D. No. I.
Two-wheel Carriages	Schedule D. No. II.
Horses for Riding	Schedule E. No. I.
Race Horses.....	Schedule E. No. III.
Dogs.....	Schedule G.
Hair Powder	Schedule I.
Armorial Bearings	Schedule K.

And that I will attend to execute and receive the Contract of my Composition when required by the Commissioners.

Signed the Day of 183 .

Witness

Assessor or Collector of the }
above-named Parish. }

No. 2.

NOTICE to be used by Persons desirous of renewing their former Composition.

To the Commissioners acting for the Division of in the County of

Take Notice, That I am desirous of renewing my former Compositions for my Assessed Taxes, under the Powers, Conditions, and Provisions of an Act passed in the Fifth Year of the Reign of King William the Fourth, and that I will attend to execute and receive the Contract of my Composition when required by you.

The following is a true and complete List of the Establishment kept by me in the Year commencing from the 5th Day of April 1834.

Establishment.	Number.
Servants	Schedule C. No. 1.
Four-wheel Carriages	Schedule D. No. 1.
Two-wheel Carriages	Schedule D. No. 2.
Horses for riding	Schedule E. No. 1.
Race Horses.....	Schedule E. No. 3.
Dogs.....	Schedule G.
Hair Powder	Schedule I.
Armorial Bearings	Schedule K.

Signed the Day of 183 .

Witness

Assessor or Collector of the }
Parish of }

No. 3.

NOTICE to be used by Persons entitled to compound on a lesser Establishment than is comprised in their former Composition.

To Surveyor acting for the Parish of in the Division of
in the County of and to the Commissioners acting for the said Division.

Take Notice, That I have, before the Sixth Day of April 1834, laid down Part of my Establishment on which I have com-

pounded, enumerated in the following Schedules, and I am desirous of compounding for the reduced Establishment now kept by me, and on which I have compounded, also enumerated in the said Schedule.

Establishment laid down since the former Composition.		
	No. ceased to keep before the 6th April 1834.	Retained and now kept.
Servants	Schedule C. No. I.	
Four-wheel Carriages.....	Schedule D. No. I.	
Two-wheel Carriages.....	Schedule D. No. II.	
Horses for Riding	Schedule E. No. I.	
Race Horses	Schedule E. No. III.	
Dogs	Schedule G.	
Hair Powder	Schedule I.	
Armorial Bearings	Schedule K.	

And that I will attend to execute and receive the Contract of my Composition when required by the Commissioners.

Signed the

Day of

183 .

Witness

Assessor or Collector of the }
above-named Parish.

FORM of renewed Contract of Composition for Assessed Taxes.

ESTABLISHMENT.		Amount of Duties.
Nos.	Schedules.	
Servants	C. No. I.	
Four-wheel Carriages.....	D. No. I.	
Two-wheel Carriages.....	D. No. II.	
Horses for riding.....	E. No. I.	
Race Horses.....	E. No. III.	
Dogs.....	G.	
Hair Powder	I.	
Armorial Bearings	K.	
Composition Duty of 5l. per Centum, under } Act of 59 Geo. 3. c. 51. }		
The like, under Act 1 & 2 Geo. 4. c. 113.		
Total Amount of Duties		
Composition Duty of l. per Centum, by } 5 Will. 4. }		
Total Amount of Composition		

Know all Men, That we, Two of the Commissioners acting in the Execution of the Acts in relation to Assessed Taxes for the Division of in the County of have contracted and agreed with A.B. of in the said Division, in pursuance of an Act passed in the Fifth Year of the Reign of King William the Fourth, for the Renewal of the Composition of Assessed Taxes, as stated in the Margin hereof; namely,

Upon Servants, Horses, and other Articles of Establishment, on the Amount expressed therein, together with the additional Rate granted by the said Act.

Which several Amounts are to be paid to the Collectors of the said Parish by Two Instalments; viz.

1st Instalment on or before the Tenth Day of October.

2nd Instalment on or before the Fifth Day of April.

And so yearly during the Term of Five Years from the Fifth Day of April 1835 mentioned in the said Act.

The Condition of the above Composition is, That the above-named shall duly pay or cause to be paid to the Collectors for the said or one of them, on or before the Days above mentioned, upon demand, the yearly Sum of by Two Instalments, in even Portions, taking their or his Receipt in Writing for the same; otherwise the said Composition shall be levied of the Goods and Chattels of the said or sued for and recovered by any of the Ways and Means by which the Monies due on Assessments may be sued for and recovered.

Witness

Clerk.

} Commissioners of the within Division.

Witness

Clerk.

} The Party hereto.

N.B.—With the Consent of the Commissioners the Collector of the Parish may witness the Signature of the Party to the Contract.

FORM of Contract of Compositions under the Act of the Fifth William the Fourth.

ESTABLISHMENT.		Amount of Duties.
No.	Schedules.	
Servants	C. No. I.	
Four-wheel Carriages	D. No. I.	
Two-wheel Carriages	D. No. II.	
Horses for riding	E. No. I.	
Race Horses	E. No. III.	
Dogs	G.	
Hair Powder	I.	
Armorial Bearings	K.	
Total Amount of Duties		
Composition Duty of 5l. per Centum		
Total Amount of Composition		

Know all Men, That we, Two of the Commissioners acting in the Execution of the Acts in relation to Assessed Taxes for the Division of _____ in the County of _____ have contracted and agreed with _____ of _____ in the said Division, in pursuance of an Act passed in the Fifth Year of King William the Fourth, for the Composition of Assessed Taxes, as stated in the Margin hereof, and additional Rate.

Which several Amounts are to be paid to the Collectors of the said _____ by Two Instalments; viz.

1st Instalment on or before the Tenth Day of October.

2nd Instalment on or before the Fifth Day of April.

And so yearly during the Term of Five Years from the Fifth Day of April 1835 mentioned in the said Act.

The Condition of the above Composition is, That the above-named _____ shall duly pay or cause to be paid to the Collectors for the said _____ or One of them, on or before the Days above mentioned, upon Demand, the yearly Sum of _____ by Two Instalments, in even Portions, taking their or his Receipt in Writing for the same; otherwise the said Composition shall be levied of the Goods and Chattels of the said _____ or sued for and recovered by any of the ways and means by which the moneys due on Assessments may be sued for and recovered.

Witness
Clerk.

} Commissioners of the within Division.

Witness
Clerk.

} The Party hereto.

N.B.—With the Consent of the Commissioners the Collector of the Parish may witness the Signature of the Party to the Contract.

CAP. LV.—IRELAND.

AN ACT to amend Three Acts, made respectively in the Seventh Year of the Reign of His late Majesty King George the Fourth, and in the First and Second Years and in the Second and Third Years of the Reign of His present Majesty, for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland; and to provide for the more effectual Levy of Grand Jury Cess.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Commissioner of Valuation may appoint such number of valuers as the Lord Lieutenant shall fix and determine.
2. Committee of Appeal may, in certain cases, direct a new valuation to be made, although no appeal shall have been lodged in respect thereof.
3. When the valuation of any barony has been made and decided on, a list of the several parishes and the divisions of land within them shall be prepared and published.—During the period herein described all county cess, &c. shall be levied according to the proportions therein specified;
4. But not to affect the relative proportion borne by such barony.
5. Republishing so much of recited Act as authorizes the altering of the amount of valuation of any barony as compared with another barony.
6. Committee of Revision may alter the valuation of any division of a barony, as well as of the whole barony.
7. Fractions of a pound may be rejected from the valuation of the whole barony, &c.
8. When valuation of barony is completed, Commissioner to lodge a copy of field book and a field map in office of treasurer of county, for public inspection.
9. Treasurer to furnish copies of field books and maps to persons requiring same for applotment of Grand Jury Cess.
10. Not to affect provisions of recited Acts with respect to publication of list when valuation of all the baronies within any county shall have been completed.

11. *At second Assizes next after publication of such list and valuation, Grand Jury to fix a time for re-assembly of Committee of Revision to finally amend and settle valuations.—Notice of complaints intended to be preferred thereat to be given by two persons at least thirty-one days previously.*
12. *Lord Lieutenant may order an allowance for travelling expenses to Commissioner of Valuation, in addition to his salary.*
13. *Treasurer's warrants to remain in force until sums thereby required to be levied shall be received or re-presented.*
14. *The word "Barony" extended to half barony.*
15. *How Grand Jury Cess shall be collected.*

By this Act,

After reciting an Act, 7 Geo. 4. c. 62, intituled, 'An Act to make Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in Ireland, for the purpose of the more equally levying of the Rates and Charges upon such Baronies, Parishes, and Divisions respectively;' and that the said Act was amended by two Acts, 1 & 2 and 2 & 3 Will. 4: and that it is expedient, for the acceleration of the said valuation, and for other purposes, that the said Act should be further amended:—

It is Enacted,

I. That it shall and may be lawful for the Commissioner of Valuation appointed in or for any county or counties under the provisions of the said recited Acts to nominate and appoint such number of persons to be valuers for each such county as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall from time to time fix and appoint; anything in the said recited Acts limiting the number of persons so to be appointed to the contrary hereof notwithstanding.

II. That where an appeal shall have been made to any Committee of Appeal, under the provisions of the said recited Acts, by or on behalf of any parish, or the owners or occupiers of land within any townland of any parish, against the valuation or any part of the valuation of the same, or of any other parish or townland or townlands within the same barony, and it shall appear to such Committee of Appeal that just cause has been shewn to warrant such Committee to direct that a new valuation shall be made of any such parish or parishes, townland or townlands, in respect of or on behalf whereof such appeal may have been made, then and in such case it shall and may be lawful for the said Committee of Appeal, with the consent of the Commissioner of Valuation for such county, or of his Assessor, to direct that a new valuation shall in like manner be made of any other parish or parishes, townland or townlands, within the same barony, the valuation whereof shall appear to the said Committee to have been defective or erroneous in the same respects, or to which the same ground of appeal may appear justly applicable, although no such appeal shall have been made in respect of or on behalf of such other parish or parishes, townland or townlands.

III. That when and as the valuation of each or any barony within each county shall have been made by such valuers, and transmitted to the Commissioner of Valuation for such county, and decided on by the Committee of Appeal appointed under the provisions of the said recited Act, 7 Geo. 4, the said Commissioner of Valuation shall prepare and make out, in the form of the Schedule to this Act annexed, a list or table of the several parishes within such barony, and of the several townlands or other sub-denominations or divisions of land within each such parish, distinguishing the number of acres contained in every such parish and townland or other sub-denomination or division as aforesaid, and the value of the land and houses in each such parish or townland, or other sub-denomination or division respectively, according to the survey and valuation thereof so decided upon; and each such list or table shall be signed by the said Commissioner of Valuation and three members of the said Committee of Appeal, and shall be transmitted, so signed, to the office of the Chief Secretary of the said Lord Lieutenant or other Chief Governor or Governors of Ireland; and thereupon it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct such list and valuation, so signed as aforesaid, to be published in the *Dublin Gazette*; and from and after the end of the Assizes next ensuing the day of such publication, and until the end of the Assizes next ensuing the day on which the list and valuation of all the baronies within the same county, as completed and finally agreed on by the Committee of Revision appointed under the provisions of the said recited Act, shall have been published in the said *Dublin Gazette* in the manner and form by the said recited Acts prescribed, but no longer, all Grand Jury Rates, and the usual and accustomed proportion of all county cess charges whatsoever, imposed or to be imposed on such barony by presentments of the Grand Jury, or to be raised off such barony, or any parish and division thereof, and all parish rates imposed or to be imposed or levied off any parish or townland or other sub-denomination or division of such barony, under the authority of any law or statute, shall be assessed and levied off such barony, and off every parish, townland, or other sub-denomination or division therein, according to the proportions specified in such list and valuation so to be signed by the Commissioner of Valuation and three members of the Committee of Appeal, and published as hereinbefore directed.

IV. Provided, That the publication of the list and valuation of any barony under the provisions of this Act shall not alter or affect the relative proportion of county cess or charges which by any laws or usage may be or have been borne by such barony as compared with any other barony or baronies.

And after noticing that it is enacted by the said recited Act, 7 Geo. 4, that in case it shall happen that any Committee of Revision shall alter the amount of the valuation of any barony, as compared with another barony, either by increasing or diminishing such amount, such alteration in the valuation of any barony shall not affect the proportionate valuations of the several parishes or townlands within such barony with respect to each other, but that the valuation of each and every such parish and townland respectively shall be altered so that each may bear to each the same relative proportion as was originally fixed, or as was confirmed or allowed by the Committee of Appeal: and that it may happen that the amount of a valuation of a barony may be altered by the said Committee of Revision on a principle or for a cause applicable to one or more divisions of such barony, and not to all divisions of such barony; and it is therefore necessary that power should be given to such Committee to direct the increase or diminution of the valuation of any subdenomination or division of a barony as well as of the whole barony:—

It is Enacted,

- v. That the hereinbefore recited provision of the said Act, 7 Geo. 4, shall be and the same is hereby repealed.

VI. That whosoever any such Committee of Revision shall think fit to alter the amount of the valuation of any barony as compared with any other barony it shall and may be lawful for them to alter the amount of the valuation of any parish or parishes, townland or townlands, or other division of such barony, and the proportion originally fixed or confirmed or allowed by the Committee of Appeal of such barony between the several parishes and townlands of such barony, in such manner and to such extent as the said Committee shall think just with regard to the reason or principle on which the gross amount of the valuation of such barony may have been altered by them.

VII. That all fractional parts of a pound sterling may be rejected from the total value of any barony, parish, manor, or other denomination as stated in any list and valuation prepared under authority of the said recited Acts or this Act, for the purpose of computing the proportions in which the same shall be respectively rated.

And after noticing that it is desirable that the said valuation should be made available to the purpose of applotment, as well as to ascertain the proportions in which Grand Jury Cess and parish rates shall be assessed upon the several divisions and subdivisions of each county:—

It is Enacted,

VIII. That when and so soon as the valuation of all the parishes within any barony shall be completed the Commissioners of Valuation shall make out a copy of the field book of each parish, and shall make out a field map, shewing the several portions of land which may have been separately valued, and distinguishing and numbering the same so as to correspond with the said field book; and the said Commissioners shall deliver such copies of the field book and maps, attested by his signature, to the treasurer of the county, who shall keep the same in his office, there to remain open to public inspection; and any owner or occupier of land within such parish shall be at liberty to make copies thereof or extracts therefrom without fee or reward.

IX. That every such treasurer shall furnish copies of such field books, as and when the valuation therein contained shall have been confirmed or amended and finally agreed on by the said Committees of Appeal and Revision respectively of such county, in manner by the said recited Acts or by this Act provided, and of such field maps, marked and numbered to correspond with such field books, to any person or persons requiring the same for the applotment of Grand Jury Cess; and such copies shall be prepared under such regulations as the Grand Jury of such county shall fix and determine, and they shall present, to be raised off the townland or other denomination of land to which such copies shall relate, the expense of making the same.

X. Provided, That when and so soon as the valuation of all the baronies within any county shall have been completed, and that the list of the said several baronies and the valuation thereof shall have been confirmed or amended, and finally agreed on by the Committee of Revision of such county, the same shall be signed, dealt with, and published in manner and form by the said recited Acts prescribed, and nothing in this Act contained shall, save as respects the additional power which the Committee of Revision may exercise under the provision hereinbefore made, extend to, vary, or affect the proceedings by the said recited Acts directed in respect of such general valuation of all the baronies within any county, and the list thereof, when published in manner by such Acts directed, shall have all such force and effect as the same would have had if this Act had not been made.

XI. That at the second Assizes next ensuing the publication of such list and valuation of all the baronies of each county the Grand Jury shall nominate and appoint a time for the re-assembly of the Committee of Revision of such county, and the Secretary of the Grand Jury shall give notice of the time appointed for such re-assembly of the Committee of Revision in like manner as the Clerk of the Peace is by the said recited Act required to give notice of the first meeting of such Committee, and at the time so appointed the members of such Committee of Revision, together with the Commissioner of Valuation or his Assessor, shall meet in the court-house of such county, and shall there and then inquire into and determine all such complaints as shall be made against the said valuation, or any part thereof; and it shall be lawful for the said Committee to revise and amend such valuation as to them may seem just, or to direct a new valuation when the same shall appear necessary, and to adjourn from time to time; and the valuation, as finally amended, revised, and settled by such Committee, shall be in the place and stead of the former valuation so published in the *Dublin Gazette*, and of like force and effect: Provided always, that notice in writing of any complaint which it is intended to prefer to the said Committee so re-assembled shall be given to the Commissioner of Valuation of such county, or some member of the said Committee, at least thirty-one days before the time appointed for the re-assembly of such Committee, and that such notice shall be subscribed by at least two persons each paying Grand Jury Cess to the amount of 40s., or by at least two persons having each a freehold or leasehold estate in lands or tenements of the annual value of 20l. or upwards, and situate in such county, county of a city, or county of a town.

And after noticing that it is expedient, for the more complete uniformity of the said valuation, that the same should be carried on under the control and direction of a single Commissioner of Valuation, and the salary of 500l. per annum authorized by the said recited Act, 7 Geo. 4, to be paid to each such Commissioner is an insufficient remuneration for a person appointed to act as such Commissioner in many counties:—

It is Enacted,

XII. That, in addition to the said salary of 500l. per annum, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of Ireland to order and direct such allowance for travelling and other expenses, not exceeding one guinea per day for every day during which such Commissioner shall be engaged in the business of such valuation, as to the said Lord Lieutenant or other Chief Governor or Governors shall seem proper; and such salary and allowance shall be advanced out of the Consolidated Fund, and levied and repaid by Grand Jury presentments on and off the several counties in which such Commissioner of Valuation shall be employed, in such proportions as the said Lord Lieutenant or other Chief Governor or Governors shall think fit to direct, with regard to the period of his employment in each such county respectively; and all and every the provisions of the said recited Acts directing and authorizing the advance of money for the purposes thereof, and the presentment and levy of such monies off the several counties liable thereto, shall apply and extend to direct and authorize the advance, presentment, and levy of the monies required to defray such allowances.

And after noticing that doubts have arisen whether the warrants of the treasurers of counties in Ireland issued for the levying of money presented by Grand Juries at each assizes remain in force beyond the second day of the next succeeding assizes; for removal of which doubts,—

It is Enacted,

XIII. That every such warrant of every such treasurer shall be and remain in full force and effect for the term of two years next after the date thereof, unless the sums required by such warrant to be levied shall have been received, or unless the Grand Jury of the county shall have re-presented the same.

XIV. That wherever the word "Barony" occurs in this Act the provision shall extend to a half barony.

And after noticing that it is expedient that the mode of collecting and levying Grand Jury Cess should be amended,—

It is Enacted,

XV. That whenever any person duly authorized to collect and levy any money to be raised pursuant to Grand Jury presentment off any barony or half barony, or county of a city or town, shall have received the applotment of such money, he shall collect and levy the same according to such applotment, and also any sum of money not exceeding 5s., in lieu of any sum heretofore authorized to be levied by any Act now in force for the applotter's fees; and all such money may be levied by distress and sale of any goods and chattels of every person refusing to pay the proportion therein applotted for him or her to pay which may be found on the premises chargeable, rendering to the owner the overplus, if any, after deducting the expenses of distraining, not exceeding twelve-pence in the pound on the sum for which such distress may have been made; and if no sufficient distress be found on the premises chargeable, then and in such case such collector shall leave at the dwelling-house of the party chargeable for or in respect of such premises, if such person reside within the same county, county of a city or town, a notice bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the sum applotted within six days from the date of such notice, and expressing that within six days the money demanded may be paid to the collector at his house or office; and if such money be not so paid within such time, then it shall be lawful for such collector to prefer a complaint to any Justice of the Peace for the same county, county of a city or town; and such Justice shall summon the party so complained against to appear before him, and answer the said complaint, and shall at the time specified in such summons examine into the matter of such complaint on oath (which oath the Justice is hereby empowered to administer), and shall direct the payment to such collector of such money as he shall find due and payable under such applotment by the party complained against, together with a sum certain as and for such reasonable costs and charges as to such Justice shall seem meet; and in default of the appearance of such party, or upon his or her refusal or neglect forthwith to pay the sum or sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace for such county, county of a city or town, to issue his warrant, authorizing and empowering the said collector to levy the money thereby ordered to be paid by distress and sale of any goods or chattels of the party so complained against which may be found within any part of such county, county of a city or town, rendering the overplus, if any, to him or her, the necessary charges and expenses of distraining being thereout first deducted, as directed by such Justice; and if sufficient distress cannot be found within the same county, county of a city or town, then, on oath thereof made before any Justice of the Peace of any other county, county of a city or town, in which any of the goods and chattels of such party shall be found, (which oath such Justice shall administer, and certify by indorsing in his handwriting his name on the warrant granted to make such distress,) the goods or chattels of such party so refusing or neglecting to pay as aforesaid shall be subject and liable to such distress and sale in such other county, county of a city or town, where the same may be found, and may by virtue of such warrant and certificate be distrained and sold in the same manner as if the same had been found within such first-mentioned county, county of a city or town.

SCHEDULE to which this Act refers.

VALUATION of LANDS, et cetera, within the several Parishes and Townlands in the said Barony, made in pursuance of this Act.

	Acres.	Annual Value of Lands, et cetera.	Total in each Parish.	
			Acres.	Value.
Parish of A.:		£.		£.
Townland D.....	250	120		
— E.....	100	100		
— F.....	50	25		
Total in the Parish of A.....			400	245
Parish of G.:				
Townland H.	60	100		
— I.....	47	37		
— K.....	160	240		
Total in the Parish of G.....			267	377
Total in Barony.....			667	622

C. D.

Commissioner of Valuation for the County of C.

E. F. } Members of the Committee
G. H. } of Appeal for the said
I. K. } County.

CAP. LVI.—IRELAND.

AN ACT to continue for One Year, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*.

(13th August 1834.)

By this ACT,

After noticing an Act, 1 & 2 Geo. 4. c. 59, intituled, 'An Act for the Relief of Insolvent Debtors in Ireland,' to continue in force for a certain time therein limited; and that the said Act was amended by another Act, 3 Geo. 4; and both the said Acts were continued by another Act, 7 & 8 Geo. 4; and another Act, 10 Geo. 4, whereby the said recited Acts 1 & 2 and 3 Geo. 4. were amended and further continued; and the same, so amended, were by an Act, 1 Will. 4. further continued; and the same, so amended, were by another Act, 2 Will. 4. further continued until the end of this present session of Parliament: and that by an Act, 1 & 2 Will. 4. c. 31, intituled, 'An Act to improve the Administration of Justice in Ireland,' certain provisions of the said recited Act, 1 & 2 Geo. 4. were repealed, and certain other provisions were made, and certain persons declared, in certain cases therein specified, to be entitled to the benefit of the Acts for the Relief of Insolvent Debtors in Ireland: and that it is expedient that the said Acts for the Relief of Insolvent Debtors should be further continued:—

It is Enacted,

That the said recited Act, 1 & 2 Geo. 4, as the same is amended by the said recited Acts, 3 Geo. 4, and 10 Geo. 4, and save and except as any provisions thereof may be repealed, or other provisions substituted therefore by the said recited Act, 1 & 2 Will. 4, shall be continued; and the said recited Acts, 1 & 2, and 3, and 10 Geo. 4, and such parts of the said recited Act, 1 & 2 Will. 4. as relates to the law for the Relief of Insolvent Debtors, shall be and the same are hereby continued accordingly for one year from the passing of this Act, and until the end of the then next session of Parliament.

CAP. LVII.

AN ACT to repeal the Stamp Duties on Almanacks and Directories, and to give other Relief with relation to the Stamp Duties in *Great Britain and Ireland* respectively.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Stamp Duties on Almanacks or Calendars, and on Dublin Directories, repealed, except as to arrears.
2. Stamps intended for Almanacks or Directories, and rendered useless by the operations of this Act, to be cancelled and the value thereof allowed.
3. Affidavits made on registering voters in Ireland exempted from Stamp Duty.
4. Recital of 3 & 4 Will. 4. c. 97. s. 18.—Relief granted to persons who have neglected to send vellum, parchment, &c. to be re-stamped.

By this ACT,

After noticing that it is expedient to repeal the Stamp Duties now payable in Great Britain and Ireland respectively upon Almanacks or Calendars, and also the Stamp Duty now payable in Ireland upon any Dublin Directory:—

It is Enacted,

- i. That from and after the passing of this Act all Stamp Duties now payable in Great Britain and Ireland respectively for or upon any Almanack or Calendar, or any book or pamphlet serving the purpose of an Almanack or Calendar, and also the Stamp Duty now payable in Ireland for or upon any Dublin Directory, shall respectively cease and determine, and be no longer paid or payable, save and except so much and such part and parts of the said duties respectively as have become due or payable, and now remain in arrear or unpaid, all which shall be recoverable by the same ways and means, and with such and the same penalties, as if this Act had not been made.
- ii. That it shall be lawful for all persons having in their possession any stamps intended for Almanacks or Calendars or Dublin Directories, and which shall be rendered useless or unnecessary by the operation of this Act, to send the same to the Head Office for Stamps in Westminster, Edinburgh, or Dublin, at any time within six calendar months next after the passing of this Act; and it shall be lawful for the Commissioners of Stamps and Taxes to cause the said stamps to be cancelled, and to deliver out other stamps in lieu thereof, or at their discretion to refund and repay the amount or value of the stamps so cancelled, out of any monies in the hands of the Receiver General of Stamp Duties in Great Britain or Ireland respectively, deducting from the said amount or value so to be repaid in money, the discount or allowance on 1l. 10s. for every 100l., and at and after that rate for any greater or less sum than 100l. of the said amount or value, but not including any fractional part of a penny.

And after noticing that persons claiming to be registered as voters at the election of members to serve in Parliament for any county, city, town, or borough in Ireland, under an Act, 2 & 3 Will. 4. c. 88, intituled, 'An Act to amend the representation

of the People of Ireland,' are required to take and subscribe such oath or affidavit as in the said Act is mentioned, and it is expedient to exempt the same from Stamp Duty :—

It is Enacted,

III. That no oath, affidavit, or affirmation made, subscribed, or taken, or hereafter to be made, subscribed, or taken, by any person or persons for the purpose of registering himself or themselves as a voter or voters under or in pursuance of the said recited Act, shall be charged or chargeable with any Stamp Duty, anything in any Act or Acts to the contrary in anywise notwithstanding.

And after noticing that by an Act, 3 & 4 Will. 4. c. 97, intituled 'An Act to prevent the selling and uttering of forged Stamps, and to exempt from Stamp Duty artificial Mineral Waters in Great Britain, and to allow a Drawback on the Exportation of Gold and Silver Plate manufactured in Ireland,' it is enacted, that whenever the Commissioners of Stamps shall discontinue the use of any die or dies, and shall provide any new die or dies to be used in lieu thereof, and shall give public notice thereof by advertisement in the manner directed by the said last-recited Act, it shall be lawful for all persons who shall have in their custody or possession any vellum, parchment, or paper stamped or marked with any die or dies in lieu of which any such new die or dies shall have been provided, and which vellum, parchment, or paper shall, by reason of the providing of such new die or dies, be rendered useless or inapplicable for the purposes for which the same was originally designed, to send the same to the Head Office for Stamps in Westminster or Edinburgh at any time within three calendar months next after the day so fixed and appointed by such advertisement as aforesaid; and it shall be lawful for the said Commissioners, or for any officer of Stamp Duties duly authorized in that behalf, to cause the stamp or stamps upon such vellum, parchment, or paper to be cancelled, and such vellum, parchment, or paper, or (if the said Commissioners or such officer shall think fit) any other vellum, parchment, or paper, to be duly stamped or marked with such new die or dies in lieu of and to an equal amount with the stamp or stamps so cancelled: and that the said Commissioners of Stamps having discontinued the use of certain dies heretofore provided and used for denoting the Stamp Duties payable on bills of exchange, promissory notes, and receipts, and having provided other dies to be used in lieu thereof, did give notice thereof by advertisement in the manner directed by the said last-recited Act, and divers persons who have in their custody or possession stamped vellum, parchment, and paper rendered useless or inapplicable by reason of the providing of such new dies, have neglected to send the same to the said Head Office for Stamps within the time limited for that purpose by the said Act and by such advertisement as aforesaid, and that it is expedient to give relief to such persons :—

It is Enacted,

IV. That it shall be lawful for the Commissioners of Stamps and Taxes, or any officer duly authorized in that behalf, to exchange or restamp all such stamped vellum, parchment, and paper so rendered useless or inapplicable as aforesaid, or, in the discretion of the said Commissioners, to refund and repay the amount of the Stamp Duty thereon in the manner directed by the said last-recited Act, provided application shall be made to them respectively for that purpose within the space of six calendar months next after the passing of this Act.

CAP. LVIII.

AN ACT for raising the Sum of Fourteen millions, three hundred and eighty-four thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-four.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *The Treasury may raise 14,384,700*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1.*
2. *The clauses, &c. in recited Act extended to this Act.*
3. *Treasury to apply the money raised.*
4. *Bills to be payable out of supplies of the next session.*
5. *Interest on Exchequer bills.*
6. *Bills to be current at the Exchequer after April 5, 1835.*
7. *Bank of England may advance 14,384,700*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.*

By this Act, the Commons granted, and it is Enacted,

I. That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland at any time or times to cause or direct any number of Exchequer bills to be made out at the receipt of the Exchequer at Westminster for any sum or sums of money not exceeding in the whole the sum of 14,384,700*l.*, in the same or like manner, form, and order, and according to the same or like rules and directions, as are prescribed in an Act, 48 Geo. 3. c. 1, intituled, 'An Act for regulating the Issue and paying off of Exchequer Bills.'

II. That all and every the clauses, provisions, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said Act shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully and effectually, to all intents and purposes, as if the said several clauses or provisions had been particularly repeated and re-enacted in the body of this Act.

III. That it shall be lawful for the said Commissioners of the Treasury to issue and apply from time to time all such sums of money as shall be raised by Exchequer bills to be made out in pursuance of this Act to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

IV. That the principal sum or sums of money to be contained in such Exchequer bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first supplies to be granted in the next session of Parliament.

V. That the Exchequer bills to be made out in pursuance of this Act shall bear date on the days on which the same shall be respectively issued, and shall and may bear an interest not exceeding the rate of 3½d. per centum per diem upon or in respect of the whole of the monies respectively contained therein, payable out of any aids or supplies in the receipt of His Majesty's Exchequer at Westminster.

VI. That all and every the Exchequer bills to be made forth by virtue of this Act, or so many of them as shall from time to time remain undischarged and uncanceled, shall and may, from and after the 5th of April 1835, be received and taken and shall pass and be current to all and every the Receivers and Collectors in Great Britain of the Customs, Excise, or any revenue, supply, aid, or tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, his heirs and successors, and also at the receipt of the said Exchequer, from the said receivers or collectors, or from any other person or persons, bodies politic or corporate whatsoever, making any payment there to His Majesty, his heirs and successors, for or upon any account, cause, or occasion whatsoever, according to the purport and true meaning of this Act; and that such of the same bills as shall be received at the said Exchequer shall and may be locked up and secured as cash, according to the course of the said Exchequer settled and established by law for locking up and securing monies received in specie there.

VII. That it shall and may be lawful for the Governor and Company of the Bank of England to advance or lend to His Majesty, upon the credit of the Exchequer bills to be made out in pursuance of this Act, any sum or sums of money not exceeding in the whole the sum of 14,384,700*l.*, anything in an Act, 5 & 6 W. & M. c. 20, intituled, 'An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of 1,500,000*l.* towards carrying on the War against France,' or in any subsequent Act, to the contrary thereof in any-wise notwithstanding.

CAP. LIX.

AN ACT to extend the Term of an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavel's*, to the Twenty-first Day of *January* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament.

(13th August 1834.)

By this Act,

After noticing an Act, 1 & 2 Will. 4. c. 12, intituled 'An Act for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges, claimed by Free Miners of the Hundred of *Saint Briavel's*, and for other Purposes:' and that the commission directed by the said recited Act to be issued under the Great Seal of His Majesty's Court of Exchequer bears date the 21st of January 1832: and that the time within which the Commissioners were by the said recited Act directed to make their reports to the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury was enlarged by an Act, 3 & 4 Will. 4. c. 38, intituled 'An Act to extend to the 21st of January 1834, and to the End of the then next Session of Parliament, the time for carrying into Execution an Act, 1 & 2 Will. 4, for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavel's*, and for other Purposes:' and that it is expedient that the time for making the said several reports should be further enlarged:

It is Enacted,

I. That the time for making the several reports directed to be made by the said Commissioners under the authority of the said recited Act, 1 & 2 Will. 4, shall be extended until the 21st of January 1835, and from thence to the end of the then next Session of Parliament.

II. That all the powers, provisions, authorities, regulations, directions, clauses, penalties, forfeitures, matters, and things in the said recited Act, 1 & 2 Will. 4. c. 12, contained, shall extend and be construed to extend to this present Act, and shall operate and be in force during the said additional period, as fully and effectually to all intents and purposes as if the same powers, authorities, provisions, regulations, directions, clauses, penalties, forfeitures, matters, and things were particularly repeated and re-enacted in the body of this Act, and made expressly applicable thereto, and as if the time for the making of the said several reports by the said Commissioners as aforesaid had been therein originally extended to the said additional period.

CAP. LX.

AN ACT to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Commissioners empowered to transfer jurisdictions from one hundred or division to another, or to create new divisions.—*Proviso.*
2. Assessments of certain lands in the places in which they have usually been assessed declared valid.
3. Certain provisions of the Acts herein rectified repealed, 2 Will. 4. c. 45. s. 22—18 Geo. 2. c. 18—20 Geo. 3. c. 17.
4. So much of 53 Geo. 3. c. 123. as is herein recited repealed.
5. Certificate of Land Tax Commissioners in lieu of duplicates mentioned in last-recited Act.
6. District Commissioners with the approbation of the Treasury, may remunerate assessors for making their assessments, out of the surplus Land Tax, 6 Geo. 4. c. 32.
7. Rules and regulations contained in 48 Geo. 3. c. 141, and 3 Geo. 4. c. 88, to extend and apply to the Land Tax.
8. The Boards of Commissioners of Stamps and Commissioners for the Affairs of Taxes to be one consolidated Board of Commissioners of Stamps and Taxes.
9. Powers and authorities vested in the Commissioners of Stamps and Commissioners for the Affairs of Taxes respectively to be exercised by the Commissioners of Stamps and Taxes.
10. All Commissions and appointments of officers under the Commissioners of Stamps and the Commissioners for the Affairs of Taxes to remain in force.
11. Bonds and securities to remain in force, and to extend to the duties under the care of the Commissioners of Stamps and Taxes.
12. Commissioners of the Treasury may appoint Distributors of Stamps to be also Receivers of the Land and Assessed Taxes.
13. Receivers appointed under this Act to give security.
14. Powers and provisions of former Acts to be applied to and executed by the receivers appointed under this Act.
15. Bonds, commissions, &c. under this Act to be free from Stamp Duty and fees.

By this Act,

After reciting that for the more convenient execution of the Acts relating to the Land Tax, it is expedient to authorize the Commissioners acting in the execution of the said Acts for any county, shire, or riding to alter the jurisdiction of any parishes, tithings, townships, hamlets, or places, by transferring any one or more thereof from one division to another of the same county, or by creating thereof any new division or divisions for the purposes of the said Act, as occasion shall require:—

It is Enacted,

1. That it shall and may be lawful for the said Commissioners, at a general meeting or meetings for any county, riding, or shire, if and as they shall see fit (subject as herein provided), to transfer the jurisdiction of any of the parishes, townships, tithings, or places in any county from the division or divisions to which the same respectively now belong, together with the quotas payable by them respectively at the time of such transfer, to any adjoining or other division or divisions of the same county, or to any new division or divisions, which new division or divisions it shall be lawful for the said Commissioners and they are hereby expressly authorized and empowered to create in any such county, provided every such alteration or creation of divisions respectively shall be certified in writing under the hands of the majority of the Commissioners present at such general meeting to His Majesty's Commissioners of Stamps and Taxes, and provided the same shall be approved of by the Commissioners of His Majesty's Treasury for the time being; and such approbation, together with the quotas to be assessed and levied on the parishes, townships, tithings, hamlets, or places so as aforesaid transferred, shall be certified to the Commissioners of the respective divisions under the hands of the Commissioners of Stamps and Taxes, or any two or more of them, but not otherwise; and the Commissioners whose respective divisions shall be extended or created in manner aforesaid shall have full jurisdiction and controul in, over, and throughout the several parishes, townships, tithings, hamlets, or places so as aforesaid transferred, and shall and may execute all the powers and provisions of the Acts relating to the Land Tax, and of the Acts relating to the duties of Assessed Taxes, in assessing, charging, raising, and enforcing payment of the said taxes respectively in and throughout the same; and the parishes, townships, tithings, hamlets, or places so as aforesaid respectively transferred shall be considered as forming part of the division to which they shall be or shall have been transferred, for all the purposes of the Acts relating to the Land Tax and the Assessed Taxes respectively, anything in any former statute contained to the contrary thereof notwithstanding; and all the alterations herein provided for, which may have been made at any time previous to the passing of this Act, shall be as valid, lawful, and effectual, and be acted on in all respects, as if the same had taken place after the passing of this Act, and in pursuance hereof: Provided nevertheless, that nothing herein contained shall be construed to authorize the alterations of the limits or jurisdiction of any of the cities, boroughs, cinque ports, towns, and places respectively in Great Britain for which separate and distinct quotas of land tax are provided by and enumerated in the Acts now in force relating to the land tax.

And after reciting that divers open fields, commons, and waste lands, since the inclosure thereof, have been rated and assessed to the land tax, wholly or in part, in other parishes, townships, hamlets, or places than those in which such lands do lie, the inhabitants of such parishes, townships, hamlets, or places in which such lands are rated and assessed having been before the inclosure thereof entitled to common of pasture or other common rights in such open fields, commons, and waste lands: and that doubts have arisen touching the legality of rating and assessing such lands as aforesaid elsewhere than in the parishes, townships, hamlets, or places in which the same do lie, and it is expedient to remove such doubts:—

It is Enacted,

II. That all allotments and pieces or parcels of land which at any time heretofore have been part or parcel of any such open fields, commons, or waste lands shall and may lawfully be rated and assessed to the land tax in such manner, and in such parishes, townships, hamlets, or places, as the same have since the allotment or inclosure thereof been usually rated and assessed, although such lands may not lie in the parishes, townships, hamlets, or places in which the same have been or may be so as aforesaid rated or assessed; and that all rates and assessments which have been at any time heretofore or may be at any time hereafter made or charged upon or in respect of any such lands as aforesaid, in or for the parishes, townships, hamlets, or places respectively in which the same have heretofore been usually rated or assessed, are hereby declared to have been and shall be deemed to be respectively as valid and effectual to all intents and purposes, and shall be collected and levied in like manner, as if such lands had been situated within the parishes, townships, hamlets, or places in or for which such rates or assessments have been or shall be made or charged.

And after noticing that by an Act, 2 Will. 4. c. 45, intituled, 'An Act to amend the Representation of the People of England and Wales,' it is enacted, that in order to entitle any person to vote in any election of a knight of the shire or other member to serve in Parliament in respect of any messuages, lands, or tenements, it shall not be necessary that the same shall be assessed to the land tax: and that by reason of the said last-recited enactment the provisions hereinafter mentioned or referred to of an Act, 18 Geo. 2. c. 18, intituled, 'An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for that part of Great Britain called England,' and of an Act, 20 Geo. 3. c. 17, intituled, 'An Act to remove certain Difficulties relative to Voters at County Elections,' have been rendered unnecessary, and it is expedient to repeal the same:—

It is Enacted,

III. That so much of the said recited Act, 18 Geo. 2. c. 18. as requires the Commissioners of the Land Tax to deliver or cause to be delivered to the Clerks of the Peace for their respective counties any duplicate of the copies of the assessments of land tax; and so much of the said recited Act, 20 Geo. 3. c. 17, as requires the assessors of the land tax to make three duplicates of their assessments, and to cause one of the said duplicates, or a copy thereof, to be stuck upon the door of any church or chapel; and also so much of the said last-mentioned Act as requires the said assessors to deliver one of such duplicates, amended as in the said Act is mentioned, to any chief constable, or as requires any such chief constable to deliver such duplicate to the Clerk of the Peace in the manner mentioned in the said Act; and also so much of the said last-mentioned Act as inflicts any fine, penalty, or forfeiture upon any assessor or chief constable for any neglect or omission to deliver such duplicate in manner in the said Act mentioned, or as relates to the levying and recovering of any such fine, penalty, or forfeiture, shall be and the same is and are hereby repealed; and all persons who have incurred any fine, penalty, or forfeiture by reason of any such neglect or omission as aforesaid since the passing of the said recited Act, 2 Will. 4. c. 45, shall be and are hereby indemnified, freed, and discharged from the same.

And after noticing that by an Act, 53 Geo. 3. c. 123, intituled, 'An Act to amend and render more effectual several Acts passed for the Redemption and Sale of the Land Tax,' certain general rules and directions contained in a Schedule marked (E.) to the said last-recited Act annexed were enacted with reference to certain contracts for the redemption of land tax therein mentioned, and amongst other rules it was enacted as follows; (that is to say,) First, the Commissioners for executing this Act who shall have entered into any such contract shall, as soon as conveniently can be done after the date of each contract, cause an abstract of so much thereof as shall be necessary to be transmitted to the Commissioners acting in the execution of the Land Tax Act in the division where the land tax contracted for shall be charged, and the said last-mentioned Commissioners shall from time to time cause assessments to be made of the payments which according to such contracts shall become due in each year ending the 25th of March, together with the amount of the land tax contracted for, and the names of the contractors and occupiers of the premises whereon the land tax is charged, in such form and forms as shall be made out at the office for taxes for that purpose, and shall annually return duplicates thereof to the Receiver General and the King's Remembrancer, in such form and manner and at such times as they are directed to return duplicates of land tax, in order that the respective Receivers General may be charged therewith at the receipt of His Majesty's Exchequer: and that it is expedient to repeal the said last-recited rule:—

It is Enacted,

IV. That from and after the passing of this Act so much of the rules and directions contained in the said Schedule (E.) to the said last-recited Act annexed as is hereinbefore expressly recited shall be and the same is hereby repealed.

V. That in lieu of the duplicates by the said last-recited Act directed to be returned to the Receiver General and the King's Remembrancer, the certificate of the Commissioners for the time being acting in the execution of the Acts for the redemption and sale of the land tax, to the Commissioners for auditing the Public Accounts, of the payments which according to such contracts shall become due in each year as aforesaid, shall be a sufficient authority for charging the respective receiving officers with the same, and such certificate shall be in such form as shall be devised by the said Commissioners acting in the execution of the said Acts for that purpose.

And after noticing that by an Act, 6 Geo. 4. c. 32, intituled, 'An Act to provide for the Application of Monies arising in certain Cases of Assessments for Land Tax in Great Britain,' the Commissioners of His Majesty's Treasury are authorized, on the receipt of any such certificate as is thereupon required to be transmitted by the Commissioners of districts of the amount of excess of assessment and collection of land tax in any such cases as are therein specified, to direct the net produce and amount of such excess of assessment and collection to be applied to His Majesty's use in such manner and for such purposes as in the said last-recited Act are mentioned: and that it is expedient to amend the said recited Act in the manner hereinafter mentioned:—

It is Enacted,

VI. That it shall and may be lawful for the said Commissioners acting within and for any district or division in which any excess of assessment and collection of land tax shall arise to cause to be deducted from the amount of such excess, and to be

paid to the respective assessors of the several cities, boroughs, towns, parishes, wards, or places in which such excess shall arise, as a remuneration to the said assessors for their trouble in making the assessments to the land tax, such sum or sums of money as the said last-mentioned Commissioners shall certify to be a just and reasonable remuneration to the said assessors and as the Commissioners of His Majesty's Treasury shall sanction and approve, and then and in such case the balance only, of such excess of assessment and collection, after making such deduction as aforesaid, shall be paid and applied to His Majesty's use in the manner directed by the said last-recited Act; anything therein or in any other Act or Acts contained to the contrary thereof in anywise notwithstanding.

And after noticing that by an Act, 48 Geo. 3. c. 141, intituled, 'An Act to amend the Acts relating to the Duties of Assessed Taxes, and of the Tax upon the Profits of Property, Professions, Trades, and Offices, and to regulate the Assessment and Collection of the same,' it is enacted, that the said duties shall be collected, levied, paid over, and accounted for under and subject to the rules and directions in the said Act contained, and certain rules and directions are (amongst others) contained in and enacted by the said Act with reference to the said duties of assessed taxes, and which are intituled, 'Number V. Rules and Directions for paying to the Receiver General and accounting for the Duties received by the Collectors'; and that by an Act, 3 Geo. 4. c. 88, intituled, 'An Act to amend the Laws relating to the Land and Assessed Taxes, and to regulate the Appointment of Receivers General in England and Wales,' certain rules and regulations are (amongst others) contained in and enacted by the said last-recited Act with reference to the said duties of assessed taxes, and which are intituled respectively, 'Number II. Rules and Regulations respecting the said Office, in relation to Assessed Taxes,' 'Number III. Rules and Regulations respecting the Office of Collector of Assessed Taxes,' and 'Number IV. Rules and Regulations respecting the Offices of other Persons acting in the Execution of the said Acts;' and that it is expedient that the monies arising from the land tax should be collected and accounted for under the same rules, regulations, and directions:—

It is Enacted,

VII. That from and after the passing of this Act the monies arising from the land tax shall be collected, levied, paid over, and accounted for under and subject to the rules, regulations, and directions severally contained in and enacted by the said recited Acts, 48 Geo. 3. c. 141, and 3 Geo. 4. c. 88, so far as the same relate to the duties of assessed taxes hereinbefore mentioned or referred to; and all such rules, regulations, and directions, and all and every the clauses and provisions thereof, so far as the same relate to the said duties of assessed taxes, shall be deemed and taken to extend and apply to the collecting, levying, paying over, and accounting for the monies arising from the land tax, in the same manner, and as fully and effectually, to all intents and purposes, as if such rules, regulations, and directions had been expressly enacted by this Act with reference to the said monies arising from the land tax, and to the Commissioners, Receivers, Collectors, and other officers or persons acting in the execution of the Acts relating thereto.

And after reciting that by His Majesty's letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland certain persons therein named have been constituted and appointed and now are Commissioners of Stamps for the United Kingdom of Great Britain and Ireland, and by the same letters patent the same persons have also been constituted and appointed and now are Commissioners for the Affairs of Taxes in Great Britain: and that it is expedient that the several duties, matters, and things under the care and management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively should be and remain under the care and management of one consolidated Board of Commissioners, to be called "The Commissioners of Stamps and Taxes":—

It is Enacted,

VIII. That from and after the passing of this Act the several persons so as aforesaid appointed Commissioners of Stamps for the United Kingdom of Great Britain and Ireland and Commissioners for the Affairs of Taxes in Great Britain respectively shall, without any further commission or other authority than this Act, be and become one Consolidated Board of Commissioners, and be called 'The Commissioners of Stamps and Taxes,' and it shall be lawful for His Majesty, his heirs and successors, from time to time to appoint under the Great Seal of Great Britain and Ireland such other persons as he or they shall think fit to be Commissioners of Stamps and Taxes, and that from henceforth all the several duties, matters, and things which at the time of the passing of this Act are collected by or are under the care and management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively shall respectively be collected by and shall be under the care and management of the Commissioners of Stamps and Taxes, in the same manner as such duties, matters, and things respectively have heretofore been collected by or have been under the care and management of the said Commissioners of Stamps and of the said Commissioners for the Affairs of Taxes respectively: Provided always, that as well the said Commissioners so to be appointed by His Majesty, his heirs and successors, as aforesaid, as the said Commissioners by this Act constituted Commissioners of Stamps and Taxes, shall respectively be and remain Commissioners of Stamps and Taxes during the pleasure of His Majesty, his heirs and successors, and no longer.

IX. That the said Commissioners of Stamps and Taxes, or any three or more of them, shall have, use, and exercise all such powers and authorities as are now given to or vested in or as might be used and exercised by the whole or any number of the said Commissioners of Stamps or of the said Commissioners for the Affairs of Taxes, under or by virtue of any Act or Acts in force at or immediately before the passing of this Act, and all such powers and authorities shall be and are hereby given to and vested in the Commissioners of Stamps and Taxes, and any three or more of them, as fully and effectually, to all intents and purposes, as if such powers and authorities, and all clauses, regulations, provisions, penalties, and forfeitures in any Act or Acts relating thereto respectively, were severally repeated and re-enacted in this Act, and made part thereof; and all rules, orders, regulations, acts, matters, and things which shall be made or done by the said Commissioners of Stamps and Taxes, or any three or more of them, and which by any Act or Acts in force at or immediately before the passing of this Act are or were required or authorized to be made or done or which might be made or done by the Commissioners of Stamps or the Commissioners for the Affairs of Taxes, or any three of such Commissioners respectively, shall be and be deemed to be as good, valid, and effectual in the law to all intents and purposes as if made or done by the said Commissioners of Stamps or the said Commissioners for the Affairs of Taxes, or any number of such Commissioners respectively, under or in pursuance of any such Act

or Acts as aforesaid; and all persons shall be subject and liable to the same pains and penalties for doing or omitting to do any act, matter, or thing contrary to any rules, orders, or regulations of the said Commissioners of Stamps and Taxes, or any three or more of them, as such persons respectively would have been subject and liable to for doing or omitting to do the same acts, matters, or things contrary to any rules, orders, or regulations of the Commissioners of Stamps or the Commissioners for the Affairs of Taxes respectively, under or by virtue of any Act or Acts in force at or immediately before the passing of this Act: Provided always, that where by any Act or Acts in force at or immediately before the passing of this Act any act, matter, or thing is expressly required or authorized to be done by any particular or prescribed number less than three of the said Commissioners of Stamps or of the said Commissioners for the Affairs of Taxes, every such act, matter, or thing, being done by such particular or prescribed number of the Commissioners of Stamps and Taxes, shall be good, valid, and effectual to all intents and purposes: and provided also, that all rules, orders, and regulations heretofore made by the said Commissioners of Stamps or the said Commissioners for the Affairs of Taxes respectively, in force at the time of the passing of this Act, and which are not altered or varied by this Act, or contrary to any of the provisions thereof, shall respectively remain and continue in full force and effect until the same shall be abrogated, annulled, altered, or varied by the said Commissioners of Stamps and Taxes.

x. That all commissions, deputations, and appointments at any time heretofore granted to any officers of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes, and in force at the time of the passing of this Act, shall respectively remain and continue in full force and effect until the same shall be revoked or recalled by lawful authority; and the persons holding such commissions, deputations, and appointments shall have full power and authority to execute the duties of their respective offices and appointments, and to enforce all laws, regulations, pains, and penalties relating to the duties and revenues for which they have respectively been appointed, as fully and effectually to all intents and purposes as they might or could do before or at the time of the passing of this Act; and all officers who at the time of the passing of this Act hold their respective offices during the will and pleasure of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes shall hereafter hold such offices subject to the will and pleasure of the Commissioners of Stamps and Taxes, and all such officers shall be under the controul and authority of the said Commissioners of Stamps and Taxes, and shall be liable to the same pains, penalties, and punishments to be inflicted by the said last-mentioned Commissioners as might heretofore have been inflicted upon them by the said Commissioners of Stamps or the said Commissioners for the Affairs of Taxes respectively.

xi. That all bonds and securities to His Majesty, or to the Commissioners of Stamps or the Commissioners for the Affairs of Taxes, or to any officer or person in their respective employ, which have been heretofore given or entered into by any person or persons whatsoever, either as principals or sureties, for securing the due accounting for or the payment of any duties or other monies under the care or management of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes, or for the good conduct of any officer, clerk, or other person, or for any other purpose whatever relating to the said duties or any of them respectively, shall remain and continue in full force and effect until the conditions of such bonds or securities shall have been duly performed and fulfilled; and all such bonds and securities, and the conditions thereof respectively, shall be deemed and construed to extend and be applicable to the duties, matters, and things which under or in pursuance of this Act are or shall be placed under the care or management of the Commissioners of Stamps and Taxes; and whosoever in any such bonds or securities as aforesaid, or in the conditions thereof respectively, or in any Act or Acts now in force, mention is made of the Commissioners of Stamps or of the Commissioners for the Affairs of Taxes, or of any receiver or other officer of the duties or revenues under the care or management of the said Commissioners respectively, the same, with reference to any act, matter, or thing to be done or performed after the passing of this Act, shall be deemed and construed to apply to and to mean the Commissioners of Stamps and Taxes, or the receiver or other officer of the duties or revenues under the care or management of such last-mentioned Commissioners, as the case may be or require.

And after reciting that it would tend to reduce the expense of receiving and remitting the public revenue arising from the land and assessed taxes if the several persons who act as the distributors of stamps, or some of them, were also appointed to receive the said taxes, and it is therefore expedient to authorize the appointment of the said distributors of stamps to be also the receivers of the said taxes:—

It is Enacted,

xii. That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, to nominate and appoint, from time to time, such of the persons for the time being appointed to execute the office of a distributor of stamps in England as the said Commissioners shall think proper to be officers or persons for the receipt of the land tax and of monies payable for the sale and redemption thereof, and the respective rates and duties of assessed taxes under the management of the Commissioners for the Affairs of Taxes, within and for such counties, districts, and circuits of receipt as the said Commissioners of the Treasury shall from time to time authorize and direct; and it shall also be lawful for the said Commissioners of the Treasury to grant to the distributors of stamps appointed receivers as aforesaid such additional allowances by way of remuneration for executing and performing the additional duties imposed on them under this Act, and for the expense of a clerk, as the said Commissioners shall deem to be necessary.

xiii. That every such distributor appointed a receiver under the authority of this Act shall, if required by the Commissioners of Stamps and Taxes, under the authority of the said Commissioners of His Majesty's Treasury, give and enter into a bond or bonds to His Majesty, his heirs and successors, either with or without sureties, as shall be directed by the said Commissioners of Stamps and Taxes under the authority aforesaid, and in such penalty and with such condition as to the said last-mentioned Commissioners shall appear necessary, or shall enter into or give such other security or securities as may from time to time appear to such Commissioners right and proper for the due protection of the revenue; and all bonds so to be taken to His Majesty under this Act from such receivers respectively and their respective sureties shall be of the same force and effect, and such receivers and their sureties shall be respectively accountable and answerable, in the same manner as if such bonds were taken from receivers of taxes under the authority of any former Act or Acts in force.

xiv. That all and every the powers, provisions, rules, regulations, and directions, penalties, liabilities, matters, and things contained in and imposed by any Act or Acts now in force relating to the land tax and to the sale and redemption thereof, and

the rates and duties of assessed taxes, or to the office of a Receiver General, Receiving Inspector, or other receiver answerable in the receipt of the Exchequer, or which by law any Receiver General, Receiving Inspector, or other receiver is authorised, empowered, or required to do, execute, follow, and perform, shall continue to be in full force, and be observed, followed, practised, applied, and put in execution by and against the several officers or persons appointed for the receipt of the said taxes under this Act, to all intents as if such officers or persons respectively were appointed Receivers General, Receiving Inspectors, or other receivers under or in pursuance of any former Act or Acts relating to the said duties, and as if the same powers, provisions, matters, and things were severally repeated and re-enacted by this Act.

xv. That all bonds, bills, securities, and receipts whatsoever to be entered into with or given by the receivers to be appointed under the provisions of this Act, and their respective sureties with relation to the said duties of land and assessed taxes respectively, shall be free from all stamp duty whatever, and no distributor of stamps appointed a receiver under this Act as aforesaid shall in any case be liable to or charged with any stamp duty, fee, or gratuity on his commission, warrant, or other instrument to be obtained or had either on his first appointment or any renewed or succeeding appointment to be such receiver as aforesaid under this Act, nor to any fee or gratuity for any matter or thing incident to the execution of his office, or for auditing or passing his accounts, either in His Majesty's Treasury, the office for Taxes, or any office of the Court or receipt of the Exchequer.

CAP. LXI.—IRELAND.

AN ACT for the more effectually providing for the Erection of certain Bridges in *Ireland*.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Grand Juries may apply to Lord Lieutenant for powers under this Act to build or repair bridges between any two counties.*
2. *Lord Lieutenant empowered to appoint persons to inquire into the expediency of complying with such application.—If such persons are satisfied they shall so report, and therewith transmit the plan, estimate, &c. of the work and the proportions of expenses to be defrayed by the counties.*
3. *Copy of report, &c. to be sent to the Secretary of the Grand Jury of every county named therein, to be laid before the Grand Jury for consideration; and from which they may appeal.*
4. *Lord Lieutenant upon such report may direct that the bridge shall be built or repaired, and how the expense thereof shall be raised.*
5. *Grand Jury making such application to present off their own county a sum for defraying the expenses of commission, to be lodged with treasurer; but if report be favourable, the expenses shall be defrayed out of the monies raised for the work.*
6. *If report be approved by Lord Lieutenant, the order made thereon to be laid before the Grand Juries liable thereunder who shall present for the same.*
7. *Such presentments to be made without any previous application to sessions.*
8. *The building, &c. of such bridges to be placed under the management of the Commissioners of Public Works.—Not to prevent the Commissioners making any grants in aid of work.*
9. *Grand Jury may direct presentment to be levied by instalments.—Lord Lieutenant may order sums presented to be advanced out of the Consolidated Fund.*
10. *Any surplus of sums presented remaining after completion of work to be refunded to county treasurer.*
11. *The Act of 35 Geo. 3. (1.), for building a bridge over the Shannon at Portumna, repealed.—Saving for matters done thereunder.*
12. *Right of ferry already abolished not revived by this Act.*
13. *Bridge of Portumna transferred to Commissioners of Public Works.*
14. *Lord Lieutenant may appoint a commission to report upon the proportions in which counties deriving benefit from Portumna bridge shall contribute towards reconstruction of the same.*
15. *One half the sum so required to be advanced out of Consolidated Fund, and the remainder to be raised off such counties.*
16. *Commissioners of Public Works may levy certain tolls on the said bridge.—Tolls.*
17. *Exemptions from tolls.—Penalty for claiming exemption not being entitled thereto.*
18. *Power to erect toll houses, &c.—Penalty for wilful damage to toll houses, &c.*
19. *Commissioners of Public Works may appoint collectors of such tolls;*
20. *And may demise such tolls.*
21. *Application of tolls.*
22. *If a surplus arises, the tolls to be reduced.*
23. *No ferry boats shall ply within a certain distance of the bridge without licence.*
24. *Powers for raising materials, &c.*
25. *Construction of the word "County."*

By this Act,

After reciting that according to the laws now in force in Ireland, where any river is the boundary between two counties, the expenses of building, rebuilding, repairing, enlarging, or altering any bridge over such river are to be defrayed by such two counties only, that is to say, a moiety by each; and no money can be paid by the treasurer of either of such counties on account of any presentment for any of the aforesaid purposes unless an equal sum shall have been presented to be raised for the same work upon the adjoining county: and that differences have been frequently found to exist between the Grand Juries of such adjacent counties with respect to the expediency of the building, rebuilding, altering, or improving or repairing of bridges so situated, by reason whereof the same have been in many instances suffered to fall into decay, to the great inconvenience of the public: and that the objections to making presentments for such bridges have been sometimes founded upon the supposition that the particular counties which alone would be thereby so charged would not derive from such bridge a benefit commensurate with the expense, whilst other neighbouring counties would gain a portion of such benefit without contributing in any degree to the burthen; and that it is expedient to remove any foundation for such objections:—

It is Enacted,

I. That where at any time after the commencement of this Act it shall be deemed expedient by the grand jury of any county or county of a city or town in Ireland that any bridge over any river forming a boundary between such county or county of a city or town and any other county or county of a city or town, or any approach to such bridge, shall be built, rebuilt, enlarged, altered, repaired, or in anywise improved, it shall and may be lawful for such grand jury to present a memorial to the Lord Lieutenant or other Chief Governor or Governors of Ireland, stating the nature of the work proposed, and the reasons for which the same is considered to be useful or desirable, and praying that the powers by this Act authorized to be exercised may be applied for the purpose of prosecuting and completing such work.

II. That thereupon it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors of Ireland, if he or they shall so think fit, to appoint any number of persons not exceeding five to inquire into and report upon the circumstances stated in such memorial, and to investigate the truth of the matters therein contained, and the propriety and expediency of complying with the prayer of such memorial; and that the person or persons so to be appointed shall have full power to examine into the merits of such memorial and the grounds thereof, and for that purpose to receive such evidence, whether oral or documentary, to make or cause to be made such surveys and plans, and to collect such information as may be offered in support of or against the prayer of such memorial; and in case such person or persons shall, upon a consideration of all the facts submitted or proved to them or him, be of opinion that the provisions of this Act shall be put into operation with respect to the subject matter of such inquiry, he or they shall so report to the said Lord Lieutenant or other Chief Governor or Governors; and such report shall be accompanied by a proper plan, estimate, and specification for the execution of the intended work, and also by a statement of the proportions in which the expenses thereof should be defrayed by the two counties between which the bridge shall be, and by such neighbouring counties, if any such, as ought to be contributory to such expenses.

III. That the said Lord Lieutenant or other Chief Governor or Governors shall cause a copy of such report, plan, estimate, specification, and statement to be transmitted to the secretary of the grand jury of each and every county named in such statement as proper to be contributory to such expenses as aforesaid, to be by him laid before the grand jury at the next Assizes; and each such grand jury shall take the same into consideration; and if any such grand jury shall determine that an appeal shall be made against such report on account of such county being made contributory to the expenses aforesaid, or on account of its being charged in an undue proportion for the said expenses, or on account of any objection to the plan, specification, estimate, or statement aforesaid, it shall be lawful for such grand jury to direct that such appeal shall be made to the said Lord Lieutenant or other Chief Governor or Governors in Council, in the name of such grand jury, on behalf of such county; and the grounds of such appeal shall be stated in writing, and signed by the foreman of such grand jury, and transmitted by him to the Clerk of the Privy Council; and notice of every such appeal shall be inserted by or on behalf of such grand jury in the *Dublin Gazette* once in two successive weeks next after such appeal shall have been lodged with the Clerk of the Council as aforesaid; and it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, by and with the advice and consent of His Majesty's Privy Council in Ireland, to hear and determine such appeal, and to make such order, disallowing or confirming such report, or for the varying, altering, or modifying such report, plan, estimate, specification, or statement, as shall seem meet.

IV. That upon such report if not appealed against, or in the case of any such appeal then upon such report, if the same shall be confirmed, or, if varied, altered, or modified, then upon the same as so varied, altered, or modified upon such appeal, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, by order to be signed through his or their chief or under Secretary, to direct that the bridge in such report mentioned shall be built or rebuilt, or that the same or any of the approaches thereto shall be repaired, enlarged, widened, altered, or improved in the manner and according to the plan in such report approved of, or according to such other plan as may be approved of upon such appeal as aforesaid, and that the expenses of any such work, or in case any grant shall be made in aid of such work as hereinafter mentioned, then the residue of such expenses, shall be raised of and from the several counties which may be specified for that purpose in such report or amended report, according to the shares and proportions thereby recommended or determined.

V. That, in order to provide for any expenses which may become necessary by the appointment of any person or persons for the purpose of examining into the subject matter of any memorial to be presented under this Act, the grand jury presenting or authorizing any such memorial shall be and are hereby empowered and required to present to be levied off their own county such sum not being less than 200*l.* as they may think fit, which sum shall be deposited with the treasurer of such county as a fund or security for the discharge of such expenses as aforesaid, and be by him, or such proportion thereof, paid over to such person or persons as shall be directed by the said Lord Lieutenant or other Chief Governor or Governors to receive the same. In case a report shall be made that such memorial ought not to be complied with, but in case a compliance with the same shall be recommended and granted, then the money so deposited shall remain in the hands of such treasurer to the credit of the

county, and the expenses attending the investigation of the matter of such memorial shall be deemed part of the charges for the work recommended, and shall be borne by the several counties liable thereto under the provisions of this Act in the several proportions hereby directed.

VI. That when any such report as aforesaid shall have been received and approved of by the said Lord Lieutenant or other Chief Governor or Governors, or if the same shall be appealed against then upon the determination of such appeal, the order made upon the same shall be transmitted to the secretaries of the grand juries of the respective counties thereby directed to be liable to the charges of the said work, and shall be by them at the next Assizes laid before such grand juries respectively, who shall thereupon present to be levied off their respective counties the sums appearing by such order to be respectively chargeable thereon.

VII. That such presentments may and shall be made without any previous application or approval by any special sessions under the provisions of an Act, 3 & 4 Will. 4, intituled, 'An Act to amend the Laws relating to Grand Juries in Ireland,' or any other Act or Acts.

VIII. That the building, rebuilding, repairing, widening, enlarging, or improving of any bridge under the provisions of this Act, or of any of the approaches thereto, and the execution of all works relating to the same, shall be carried on, conducted, and managed by and under the controul and direction of the Commissioners for the time being; and that all the provisions of the said last-mentioned Act shall and may be applied and extended to the several works hereby authorized to be executed, so far as the same may be necessary, and may not be repugnant to or inconsistent with this Act: and provided further, that nothing herein contained shall be construed to restrain or prevent the said last-mentioned Commissioners from making any grant in aid of the erection of any bridge which may be proposed to be erected under the provisions of this Act, in like manner and to such extent as they may be authorized by the said last-recited Act to make grants on the application of any grand jury; and such Commissioners are hereby authorized, upon consideration of the report, with the plans, specifications, and estimates, to be prepared as hereinbefore provided, at their discretion, subject nevertheless to the consent and approbation of the Lords Commissioners of His Majesty's Treasury for the time being, to make such grant in aid of the erection of bridges in respect whereof the provisions of this Act may be put in execution; and in the case of any such grant the amount thereof shall be deducted from the gross amount of the expense of erecting the same, and the residue only shall be levied off the several counties contributory to such expense in the proportions and manner prescribed by the order of the said Lord Lieutenant or other Chief Governor or Governors as aforesaid.

IX. That it shall be lawful for any grand jury hereby required to present any sum of money for the purposes of this Act to direct that the amount of such presentment shall be levied by any number of equal half-yearly instalments not exceeding twelve; and upon such presentment being made it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to order that the whole or such part as he or they shall deem proper of the money so presented, or the residue thereof in case of any grant being made as aforesaid, shall be advanced out of the sum of 500,000*l.* which by an Act, 1 & 2 Will. 4, c. 33, intituled, 'An Act for the Extension and Promotion of Public Works in Ireland,' may be advanced to the said Commissioners of Public Works, for the more speedy execution of the work to which such presentment shall relate, which sum so advanced shall be repaid in the proportions prescribed by any such order as aforesaid of the said Lord Lieutenant or other Chief Governor or Governors, by the treasurers of the respective counties, to the Collectors of Excise for their respective districts, by instalments, pursuant to the presentments, and be by such Collectors accounted for as any other public money which may come to their hands.

X. That if any surplus of any money presented under this Act shall remain after the completion of the work for which the same shall have been raised, such surplus shall be refunded to the treasurers of the respective counties off which the said money shall have been raised in the like proportions as those in which such counties were made chargeable towards the expenses of such work; and in like manner any additional sum beyond the amount of the estimate which may be found necessary shall be presented in like proportions, pursuant to the order and directions of the said Lord Lieutenant or other Chief Governor or Governors.

And after reciting that by an Act, 35 Geo. 3, (I.) intituled, 'An Act for building a Bridge over the River Shannon at Portumna in the County of Galway,' certain persons therein named were constituted trustees for receiving subscriptions for building a bridge over the river Shannon where the ferry of Portumna then was, and the subscribers thereto were created, united, and elected into one company, and were thenceforth to be one body politic and corporate by the name of the Commissioners for building a bridge over the river Shannon at Portumna, with certain powers and duties in the said Act particularly mentioned and set forth: and that the said company was by the said Act authorized to demand and receive certain sums therein specified in the nature of toll for passage over the said bridge, and also to raise money for the purposes of the said Act in any manner which they or any eleven or more of them should judge necessary: and that the said Commissioners afterwards caused a bridge to be erected and built across the said river Shannon pursuant to the provisions of the said Act, and thereupon received and have since continued to collect the several tolls thereby given, as well for the purposes of maintaining and keeping in repair the said bridge as reimbursing the several persons subscribing money for the execution thereof: and that the said Commissioners, in execution of the powers by the said Act vested in them, have from time to time borrowed considerable sums of money on the credit of the said tolls, on account of which loans the said Commissioners are now indebted to the extent of 3,000*l.* or thereabouts: and that, notwithstanding the receipt of such tolls, and of the funds so produced on the credit thereof, the said bridge hath been neglected, and is now in such a state of dilapidation and decay as to be nearly impassable and useless, and it is therefore expedient that the management of the said bridge should be otherwise conducted, and the revenue arising therefrom more judiciously and properly applied:—

It is Enacted,

XI. That from and after the commencement of this Act the said Act, 35 Geo. 3, shall be and the same is hereby repealed, save and except as to any matters or thing heretofore done or have heretofore taken place under the authority thereof.

XII. Provided, That nothing herein contained shall have the effect of reviving, creating, or validating any right of ferry or other right or privilege abolished or affected by the said Act.

XIII. That the said bridge at Portumna, and all the right, title, interest, property, claim, and demand, in law or in equity, of the said body politic or corporate thereto, and in and to all tolls, revenues, profits, emoluments, income, and benefits arising therefrom or thereout, shall be and the same are hereby transferred to and vested in the said Commissioners for the execution of the said Act, 1 & 2 Will. 4, and their successors, in like manner as any public work to which the said last-mentioned Act may now apply.

XIV. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint three or more persons for the purpose of investigating and reporting upon the respective proportions in which the counties likely to derive benefit from the said Portumna Bridge shall contribute to the expenses of re-constructing and repairing the same, which persons so appointed shall be at liberty, if they should so think fit, to cause proper plans, maps, estimates, and specifications to be made, for the purpose of guiding their judgments upon the matter so submitted to them, the expenses whereof, and of all things by them directed as aforesaid, shall be deemed and taken to be part of the charges connected with the said bridge, and shall be defrayed in the like manner and in the same proportions as any other expenses attending the same.

XV. That one half of the sum necessary for the rebuilding or otherwise completing the said bridge and of the approaches thereto shall be paid and advanced out of the sum of 500,000*l.* which by the aforesaid Act of the 1 & 2 Will. 4. may be advanced for the purpose of making roads, and building bridges in Ireland, upon warrants to be from time to time signed for that purpose by the Lord Lieutenant or other Chief Governor or Governors of Ireland, and the other moiety thereof shall be raised off the respective counties which under the provision hereinbefore contained shall be reported by the person or persons in that behalf appointed to be liable to the expenses of the said bridge, and shall be apportioned among such counties in manner recommended by such report.

And after observing that forasmuch as the rebuilding the said Portumna Bridge so intended to be built, and the repairing, preserving, enlightening, watching, and supporting the same, will be attended with considerable expense:—

It is Enacted,

XVI. That it shall be lawful to and for the said Commissioners and their successors, and they are hereby authorized and empowered, to take and receive, or cause to be taken and received, in the nature of a toll, before any passage over the said bridge shall be permitted, any sum which the said Commissioners or their successors shall direct not exceeding the following rates; (that is to say,)

For every Coach, Berlin, Chariot, Calash, Chaise, or Chair drawn by Six or more Horses or other Beasts of Burthen, the Sum of Four Shillings Sterling; and for every Coach, Berlin, Chariot, Calash, Chaise, or Chair drawn by any lesser Number of Horses or other Beasts of Burthen than Six, or more than Two, the Sum of Two Shillings Sterling:

For every Coach, Berlin, Chariot, Calash, Chaise, or Chair drawn with Two Horses or other Beasts of Burthen, the Sum of One Shilling Sterling:

For every Waggon, Wain, Cart, Car, or other Carriage with Four Wheels, drawn by Four or more Horses or other Beasts of Burthen, the Sum of One Shilling Sterling; by less than Four and more than One Horse or other Beast of Burthen, the Sum of Sixpence Sterling:

For every Waggon, Wain, Cart, Car, or other Carriage with Two Wheels, drawn by more than Two Horses or other Beasts of Burthen, the Sum of Nine-pence Sterling, and when empty the Sum of Sixpence Sterling:

For every Cart, Car, or other Carriage drawn by Two Horses or other Beasts of Burthen, the Sum of Sixpence Sterling:

For every Carriage commonly called a Chaise or Chair, with Two Wheels, drawn with One Horse or other Beast of Burthen, the Sum of Three-pence Sterling; if with Four Wheels, the Sum of Four-pence Sterling:

For every Cart, Car, or other Carriage drawn by One Horse or other Beast of Burthen, and not laden, the Sum of Two-pence Sterling:

For every Cart or other Carriage drawn by One Horse or other Beast of Burthen, and laden (except with Hogs), the Sum of Three-pence Sterling:

For every Horse carrying One Rider, the sum of Two-pence Sterling:

For every Sledge, Slide, or other Carriage without Wheels, drawn in any Manner, the Sum of One Shilling; and for all Carriages whatsoever drawn in or by any other Manner than as aforesaid, the Sum of Sixpence:

For every Horse, Gelding, Mare, Mule, Ass, or other Beast of Burthen, laden or unladen and not drawing, the Sum of Two-pence Sterling:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence Sterling per Score, and so in proportion for a greater or lesser Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence Sterling per Score, and so in proportion for any greater or less Number:

For every dead Hog, the Sum of One Halfpenny:

Which said respective sum and sums shall be demanded and taken in the name of or as a per-centage toll or duty; and the same are to be raised as aforesaid and shall be hereby vested in the Commissioners and their successors for ever; and the said Commissioners and their successors shall be and are hereby empowered, by themselves or any person or persons by them made their hands and seals thereto authorized, to levy the tolls or duties by this Act appointed and required to be paid, upon any person or persons who shall, after demand made thereof, neglect or refuse to pay the same, by distress of any carriage, sledge, or other cattle or goods upon which any such toll or duty is by this Act imposed, or upon any other of the goods or chattels of any such person or persons as ought to pay the same, and may detain the same until such toll or duty, with the reasonable charges of such distraining or keeping, shall be paid; and it shall and may be lawful to and for the person or persons so distraining, after the space of four days after such distress made and taken, to sell the goods distrained by public auction; and the overplus (if any), upon demand, to the owner, after such toll, duty, and reasonable charges for distraining and keeping the same shall be deducted and paid.

XVII. Provided, That this Act shall not extend or be construed to extend to charge with toll any horses or carriages belonging to His Majesty or any of the royal family ; or for any horse, beast, cattle, or carriage of whatever description employed or to be employed in conveying, fetching, or guarding mails of letters and expresses under the authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back from conveying or guarding the same ; or for any soldiers upon their march or upon duty, or for any horse, beast, cattle, or carriages attending them, with their arms and baggage, or returning after having been so employed ; or for any waggon, wain, cart, or other carriage, whatsoever, or the horse or horses or other cattle drawing the same, which shall be employed in conveying any ordnance, barrack, or commissariat, or other public stores of or belonging to His Majesty, or for the use of His Majesty, or for the use of His Majesty's forces ; or for any chief constable, constable, or any person of higher or lower rank or of belonging to any constabulary force or police, being on duty, or for any horse, mare, or gelding furnished by or for or belonging to any such constable, chief constable, or other such person as aforesaid, rode by them in going to or returning from any place upon duty ; and if any person shall claim and take the benefit of any of the exemptions by this Act granted from the whole or any part of the several tolls hereby authorized to be taken, not being entitled to the same, such person or persons for every such offence shall forfeit and pay any sum not exceeding 5*l*.

XVIII. That it shall and may be lawful to and for the said Commissioners and their successors to erect and place a toll house or toll houses, and a toll gate or toll gates, at or near the said Portumna Bridge ; and the said Commissioners and their successors, and any person or persons by them thereto authorized, are hereby empowered to receive at such gate or gates the tolls or duties required by virtue of this Act to be paid, before the passage of any person, carriage, cattle, or goods through the said gate or gates ; and that any person forcing a passage through such gate or gates, for himself or herself, his or her carriage, cattle, or goods, and not paying the due and regulated tolls, or who shall wilfully and maliciously destroy, break, pull down, or damage any gate or gates, toll house or toll houses, or works, erected by virtue of this Act, or shall prevent or obstruct the erection of any such gate or gates, toll house or toll houses, or works, or shall obstruct the collectors appointed by the said Commissioners in collecting the said tolls, or the persons employed for that purpose, may for every such offence be summoned personally, or by a summons left at his or her usual place of abode with some person living therein of the age of sixteen years and upwards, at the instance of the said Commissioners or of the person or persons appointed by them to receive the same, one day before the day on which his or her appearance shall be required, to appear before one or more Justices or Justices of the Peace for the King's County or counties of Galway or Tipperary, who shall hear and determine the merits of such complaint in a summary way, by the oath or oaths of one or more witness or witnesses, which oath such Justice or Justices of the Peace is and are hereby required to administer, or by the confession of the party, and to inquire into and determine upon any offence as aforesaid, and shall, in case of proof of any such offence, whether the party complained against appear or not, if the service of the summons be duly proved, adjudge the person or persons guilty of the same to pay to the said Commissioners or their successors, or to the person or persons by them or their successors authorized, any sum not exceeding 10*l*. with the necessary costs and charges ; and in case of non-payment of the same the sum to be adjudged by such Justice or Justices of the Peace shall be levied, by warrant of distress under the hand and seal of such Justice or Justices of the Peace, on the goods and chattels of the person or persons so adjudged to pay the same ; and the goods and chattels so distrained shall and may on any day after four days from the time of distraining, and within two days, be publicly sold, and out of the produce thereof the sum so adjudged shall be paid to the person or persons empowered to receive the same ; and the overplus (if any be), after deducting the costs and charges, shall be paid to the owner of such goods and chattels so distrained ; and in case such distress cannot be made, then that the said Justice or Justices of the Peace shall and may and he and they are hereby empowered to commit the said person or persons to the common goal of the county in which he is a Justice of the Peace, there to remain without bail or mainprize for such time not exceeding three months as to the said Justice or Justices of the Peace shall seem fit and meet.

XIX. That it shall and may be lawful to and for the said Commissioners and their successors to nominate and appoint such person or persons to be receiver or receivers, collector or collectors of the said several tolls and duties as they shall think fit ; and all persons by this Act liable to pay the said tolls or duties or any of them are hereby required to pay the same, after the rates aforesaid, to such receiver or receivers, collector or collectors ; and all such receivers or collectors shall respectively pay the same, at all time and times when thereto required, either to the treasurer of the said Commissioners, or to such other person or persons as the said Commissioners or their successors shall empower and appoint by writing under their hands and seals for that purpose ; and that such receiver or receivers, collector or collectors aforesaid shall, upon oath, if required by the said Commissioners or their successors, which oath the said Commissioners are hereby empowered to administer from time to time, give in a true, exact, and perfect account, in writing under their respective hands, of all monies which they or every of them shall to such respective times have received, paid, and disbursed by virtue of this Act, or by reason of their respective offices, for which oath no fee or reward shall be taken, and the same may be taken without any stamp ; and in case any such receiver or receivers, collector or collectors of the said tolls and duties shall not make such account and payment as is by this Act directed, then any Justice or Justices of the Peace for the King's County or counties of Galway or Tipperary shall commit such party or parties refusing or neglecting so to do to the public goal of the county of which he is a Justice of the Peace, there to remain without bail or mainprize until he or they shall have made a true account and payment as aforesaid, or compounded for the same with the said Commissioners or their successors, and paid the money by every such composition stipulated to be paid.

XX. That it shall and may be lawful for the said Commissioners or their successors to demise or let the said tolls appointed by virtue of this Act, for any time not exceeding twenty-one years ; and the said Commissioners or their successors are hereby required and empowered, under their hands and seals, to appoint the said tenant or tenants thereof, his or their servant or servants, to receive and collect the said tolls for such term as aforesaid, and to erect such toll gate or toll gates as aforesaid ; and the said Commissioners are hereby empowered to make and ordain such rules and regulations as they or their successors, or any two or more of them, shall judge necessary and expedient, for the better collecting the tolls aforesaid.

XXI. That the several tolls by this Act authorized to be collected and taken shall be applied in the first instance towards the expense of maintaining and repairing the said bridge at Portumna ; and in the next place towards the repayment of any

sum or sums of money heretofore advanced or borrowed from the said Commissioners, or any other Commissioner, under any Act or Acts for the advance of monies in aid of public works in Ireland, or paid out of the Consolidated Fund of the United Kingdom by virtue of any such Act or Acts; and that the surplus arising therefrom, if any, shall be applied and disposed of in such manner as the Commissioners for executing the office of Lord High Treasurer shall from time to time direct and appoint.

XXII. Provided, That when any such surplus shall arise it shall be lawful to lessen and reduce all or any of the tolls by this Act authorized to be taken in such manner as the Commissioners for executing the office of Lord High Treasurer shall from time to time direct and appoint, so that at any time thereafter the amount of such tolls shall not be less or greater than may be requisite to supply the fund requisite for maintaining and repairing the said bridge at Portumna.

XXIII. That no person or persons shall keep or maintain any boat or boats to ply for hire over or across the said river at any place between the distance of one mile above and one mile below the bridge intended to be built as aforesaid, or to carry or convey for hire any passenger or passengers, cattle, carriages, or goods which is or are subject or chargeable with toll or duty by this Act, over or across the said river Shannon, except such persons as shall be licensed or appointed by the said Commissioners or their successors.

XXIV. That the architects, managers, or persons employed to build the said bridge, or each other person or persons as the said Commissioners or their successors shall appoint, shall have all and singular the same powers of raising and carrying away gravel, stones, earth, or other materials for the purpose of erecting the said bridge as are given by the laws now in force to any person employed or acting in or for the repairing of public roads, and subject to the same regulations and restrictions.

XXV. That wherever the word "County" occurs in this Act the same shall be construed to extend to and comprehend a county of a city or a county of a town as well as a county at large.

CAP. LXII.

AN ACT for improving the Practice and Proceedings in the Court of Common Pleas of the County Palatine of Lancaster.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Serviceable process for the commencement of personal actions.
2. Mode of appearances to serviceable process.
3. Appearance may be enforced by a writ of distringas, in case a defendant cannot be served with the writ of summons.
4. Bailable process for the commencement of personal actions.
5. Proceedings to outlawry.
6. Proceedings to outlawry may be had after judgment given under the authority of this Act.
7. Mode of detaining a prisoner in gaol.
8. Duration of writs.—Proviso as to Statute of Limitations.
9. Proceedings on writs served or executed at certain times.—Proviso for Sunday, &c.
10. Indorsement on writs of the name, &c. of the attorney or party suing.
11. Service of writs of summons on corporations, and on inhabitants of hundreds and towns.
12. Proceedings in default of appearance.
13. Attorney to declare whether writ issued by his authority and name, &c. of his client, if ordered; if writ not issued by authority of the attorney, defendant may be discharged.
14. Proviso for persons privileged from arrest.
15. As to writs for commencement of personal actions.
16. Power to state a special case without proceeding to trial.
17. Judges may make rules for altering and regulating the mode of pleading and transcribing records, and touching the admission of documents.
18. Writs of inquiry under the statute 8 & 9 Will. 3. c. 11, to be executed before the sheriff, unless otherwise ordered.
19. Return of other writs of inquiry.
20. Power to direct issues joined in certain actions to be tried before the sheriff or any Judge.
21. Upon the return of inquiry or writ for trial of issues, judgment may be signed, unless, &c.
22. Judgment may be vacated, execution stayed, and new trial granted.
23. Defendant to be allowed to pay money into court in certain actions.
24. Power to appoint additional Judges.
25. Judges of superior courts at Westminster may regulate fees to be taken in Court of Common Pleas at Lancaster.
26. Rules for new trials to be moved before any of the Courts at Westminster.
27. Judgment and execution not to be stayed, unless the party moving enter into recognizance with sureties.
28. Not to take away power of Court to grant a new trial.
29. Writs of subpoena on witnesses in any part of England and Wales shall be valid to compel appearance.
30. Expenses of attendance on writs of subpoena shall be tendered to witnesses.

31. *Where final judgment shall be obtained in the court, and the person or effects cannot be found within its jurisdiction, any of the superior courts at Westminster may issue execution, &c.*
32. *If rules of the court cannot be enforced, they may be made rules of one of the superior courts at Westminster.*
33. *Tests and date of writs and returns of executions.*
34. *Power to adopt rules to be made for the superior courts at Westminster.*
35. *Costs of preparing pleadings.*
36. *Commencement of Act.*
37. *Act may be altered this session.*

By this ACT,

After reciting that various alterations and improvements have recently been made, by the authority of Parliament and otherwise, in the practice and proceedings in the superior Courts of Common Law at Westminster; and it is expedient that certain alterations and improvements should be effected in the practice and proceedings of the Court of Common Pleas at Lancaster:—

It is Enacted,

I. That the process in all personal actions hereafter to be commenced in the Court of Common Pleas at Lancaster, where it is not intended to hold the defendant to special bail, shall, whether the action be brought by or against any person entitled to the privilege of Peerage or of Parliament, or of the said Court, or of any other Court, or to any other privilege, or by or against any other person, be according to the form contained in the Schedule to this Act annexed marked No. 1, and shall be called a Writ of Summons; and in every such writ, and copy thereof, the place and residence or supposed residence of the party defendant, or wherein the defendant shall be or shall be supposed to be, shall be mentioned; and such writ shall be issued by the Prothonotary of the said Court, or his deputy, and shall be served in the manner heretofore used in the county palatine of Lancaster, and not elsewhere, and the person serving the same shall and is hereby required to indorse on the writ the day of the month and week of the service thereof.

II. That the mode of appearance to every such writ or under the authority of this Act shall be by delivering to the said Prothonotary or his deputy, a memorandum in writing, dated on the day of delivery thereof, according to the form contained in the said Schedule and marked No. 2.

III. That in case it shall be made appear by affidavit to the satisfaction of the said Court or one of the Judges thereof that any defendant has not been personally served with any such writ of summons as hereinbefore mentioned, and has not, according to the exigency thereof, appeared to the action, and cannot be compelled so to do without some more efficacious process, then and in any such case it shall be lawful for such Court or Judge, by rule or order, to order a writ of distringas to be issued, directed to the sheriff of the said county of Lancaster, (or to any other officer to be named in such rule or order,) to compel the appearance of such defendant, which writ of distringas shall be in the form and with the notice subscribed thereto mentioned in the Schedule to this Act marked No. 3, which writ of distringas and notice, or a copy thereof, shall be served on such defendant, if he can be met with, or if not, shall be left at the place where such distringas shall be executed; and a true copy of every such writ and notice shall be delivered together therewith to the sheriff or other officer to whom such writ shall be directed, and every such writ shall be made returnable on a day certain, to be named therein, not being less than fifteen days after the date thereof; and if such writ of distringas shall be returned non est inventus and nulla bona, and the party issuing out such writ shall not intend to proceed to outlawry or waiver, according to the authority hereinafter given, and any defendant against whom such writ of distringas issued shall not appear at or within eight days inclusive after the return thereof, and it shall be made appear by affidavit, to the satisfaction of the said Court or one of the Judges thereof, that due and proper means were taken and used to serve and execute such writ of distringas, it shall be lawful for such Court or Judge to authorize the party suing out such writ to enter an appearance for such defendant, and to proceed thereon to judgment and execution.

IV. That in all actions wherein it shall be intended to arrest and hold any person to special bail who may not be in custody of the keeper of the gaol of the said county, the process shall be by writ of capias according to the form contained in the said Schedule and marked No. 4; and so many copies of such process, together with every memorandum or notice subscribed thereto, and all indorsements thereon as there may be persons intended to be arrested thereon or served therewith, shall be delivered therewith to the sheriff or other officer or person to whom the same may be directed, or who may have the execution and return thereof, and who shall, upon or forthwith after the execution of such process, cause one such copy to be delivered to every person upon whom such process shall be executed by him, whether by service or arrest, and shall indorse on such writ the true day of the execution thereof, whether by service or arrest; and if any defendant be taken or charged in custody upon any such process, and imprisoned for want of sureties for his appearance thereto, the plaintiff in such process may, after the detainer or arrest of such defendant, declare against such defendant, and proceed thereon according to the practice of the said Court, as against a defendant in custody on meane process: Provided always, that it shall be lawful for the plaintiff or his attorney to order the sheriff or other officer or person to whom such writ shall be directed to arrest one or more only of the defendants therein named, and to serve a copy thereof on one or more of the others, which order shall be duly obeyed by such sheriff or other officer or person; and such service shall be of the same force and effect as the service of the writ of summons hereinbefore mentioned, and no other.

V. That upon the return of non est inventus as to any defendant against whom such writ of capias shall have been issued, and also upon the return of non est inventus and nulla bona as to any defendant against whom such writ of distringas as hereinbefore mentioned shall have issued, whether such writ of capias or distringas shall have issued against such defendant only, or against such defendant and any other person or persons, it shall be lawful, until otherwise provided for, to proceed to outlaw or waive such defendant by writs of exigi facias and proclamation, and otherwise, in such and the same manner as may now be lawfully done upon the return of non est inventus to a pluries writ of capias ad respondendum issued after an original writ: Provided always, that every such writ of exigent, proclamation, and other writ subsequent to the writ of capias or distringas

shall be made returnable on a day certain in term; and every such first writ of exigent and proclamation shall bear teste on the day of the return of the writ of capias or distringas, and every subsequent writ of exigent and proclamation shall bear teste on the day of the return of the next preceding writ; and no such writ of capias or distringas shall be sufficient for the purpose of outlawry or waiver if the same be returned within less than fifteen days after the delivery thereof to the sheriff or other officer to whom the same shall be directed.

vi. That after judgment given in any action commenced by writ of summons or capias, under the authority of this Act, proceedings to outlawry or waiver may be had and taken, and judgment of outlawry or waiver given, in such manner and in such cases as may now be lawfully done after judgment in an action commenced by original writ: Provided always, that every outlawry or waiver had under the authority of this Act shall and may be vacated or set aside by writ of error or motion, in like manner as outlawry or waiver founded on an original writ may now be vacated or set aside.

vii. That when it shall be intended to detain in any such action any person being in the custody of the keeper of the gaol for the said county of Lancaster, the process of the detainer shall be according to the form of the writ of detainer contained in the said Schedule and marked No. 5, and a copy of such process, and of all indorsements thereon, shall be delivered, together with such process, to the keeper of the said gaol, who shall forthwith serve such copy upon the defendant personally, or leave the same at his room, and the declaration thereupon shall and may allege the prisoner to be in custody in the said gaol; and the subsequent proceedings shall be as against prisoners in custody upon meane process, according to the practice of the said Court, unless otherwise ordered by some rule to be made by the Judges of the said Court.

viii. That no writ issued as aforesaid by authority of this Act shall be in force for more than four calendar months from the day of the date thereof, including the day of such date; but every writ of summons and capias may be continued by alias and pluries, as the case may require if any defendant therein named may not have been arrested thereon or served therewith: Provided always, that no first writ shall be available to prevent the operation of any statute whereby the time for the commencement of the action may be limited unless the defendant shall be arrested thereon or served therewith, or proceedings to or towards outlawry shall be had thereupon, or unless such writ, and every writ (if any) issued in continuation of a preceding writ, shall be returned non est inventus, and entered of record within one calendar month next after the expiration thereof, including the day of such expiration, and unless every writ issued in continuation of a preceding writ shall be issued within one such calendar month after the expiration of the preceding writ, and shall contain a memorandum indorsed thereon or subscribed thereto, specifying the day of the date of the first writ, and return to be made, in bailable process by the sheriff or other officer to whom the writ shall be directed, or his successor in office, and, in process not bailable, by the plaintiff or his attorney, suing out the same, as the case may be.

ix. That when any writ of summons, capias, or detainer issued by authority of this Act shall be served or executed, all necessary proceedings to judgment and execution may be had thereon, without delay, at the expiration of eight days from the service or execution thereof: Provided always, that if the last of such eight days shall in any case happen to fall on a Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, in any of such cases the following day shall be considered as the last of such eight days.

x. That upon every writ to be issued as aforesaid by authority of this Act the name or firm and the place of business or residence of the attorney or attorneys issuing such writ shall be indorsed thereon, and where such attorney or attorneys shall be agents only, then there shall be further indorsed thereon the name or firm and place of business or residence of the principal attorney or attorneys, but in case no attorney or attorneys shall be employed for that purpose, then a memorandum shall be indorsed thereon, expressing that the same has been sued out by the plaintiff in person, mentioning the city, town, or parish, and also the name of the hamlet, street, and number of the house of such plaintiff's residence, if any such there be.

xi. That every such writ of summons issued against a corporation aggregate may be served on the Mayor or other head officer, or on the town clerk, clerk, treasurer, or secretary of such corporation; and every such writ issued against the inhabitants of a hundred or other like district may be served on the high constable thereof, or any one of the high constables thereof; and every such writ issued against the inhabitants of the county of Lancaster, or the inhabitants of any franchise, liberty, town, or place, not being part of a hundred or other like district, on some peace officer thereof.

xii. That all such proceedings as are mentioned in any writ, notice, or warning to be issued as aforesaid under this Act shall and may be had and taken in default of a defendant's appearance, or putting in special bail, as the case may be.

xiii. That every attorney whose name shall be indorsed on any writ issued as aforesaid by authority of this Act shall, on demand in writing made by or on behalf of any defendant, declare forthwith whether such writ has been issued by him, or with his authority or privy, and if he shall answer in the affirmative, then he shall also, in case the said Court, or one of the Judges thereof, shall by rule or order so order and direct, declare in writing, within a time to be allowed by such Court or Judge, the profession, occupation, or quality, and place of abode of the plaintiff, on pain of being guilty of a contempt of the said Court; and if such attorney shall declare that the writ was not issued by him, or with his authority or privy, the said Court, or any Judge thereof, shall and may, if it shall appear reasonable so to do, make an order for the immediate discharge of any defendant or defendants who may have been arrested on any such writ, on entering a common appearance.

xiv. Provided, That nothing in this Act contained shall subject any person to arrest, outlawry, or waiver, who, by reason of any privilege, usage, or otherwise, may now by law be exempt therefrom, or shall extend to any cause removed into the said court by writ of pone loquellam, accedas ad curiam, certiorari, recordari facias loquellam, habeas corpus, or otherwise.

xv. That from the time when this Act shall commence and take effect the writs hereinbefore authorized shall be the only writs for the commencement of personal actions in the said court in the cases to which such writs are applicable.

xvi. That it shall be lawful for the parties in any action depending or to be depending in the said Court of Common Pleas at Lancaster, after issue joined by consent, and by order of one of the Judges of the same Court, to state the facts of the case in the form of a special case for the opinion of the said Court, or of one of the superior Courts of Common Law at Westminster,

and to agree that a judgment shall be entered for the plaintiff or defendant by confession or of *nolle prosequi*, immediately after the decision of the case, or otherwise, as the Court before which such case shall be heard may think fit, and judgment shall be entered accordingly.

XVII. That it shall and may be lawful for the Judges of the said Court of Common Pleas at Lancaster for the time being, or any two of them, from time to time to make such orders, rules, and regulations for altering and regulating the mode of pleading in that Court, and for altering the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law therein, and touching the voluntary admission, upon any application for that purpose at a reasonable time before the trial of any action of one party to the other, of all such written or printed documents, or copies of documents, as are intended to be offered in evidence on the said trial by the party requiring such admission, and touching the inspection thereof before such admission is made, and touching the costs which may be incurred by the proof of such documents or copies on the trial of the cause, in case of the omitting to apply for such admission, or the not producing of such documents or copies for the purpose of obtaining admission thereof, or of the refusal to make such admission, as the case may be, and as to the said Judges of the said Court for the time being, or any two of them, shall seem meet.

XVIII. That all writs of inquiry of damages hereafter to be issued by the Court of Common Pleas at Lancaster, under and by virtue of the statute passed in the session of Parliament held in the 8 & 9 Will. 3. c. 11, intituled, 'An Act for the better preventing frivolous and vexatious Suits,' shall, unless the said Court, or one of the Judges thereof, shall otherwise order, direct the sheriff of the said county of Lancaster to summon a jury to appear before him, instead of the Justices or Justice of Assize of and for the said county, to inquire of the truth of the breaches suggested, and assess the damages that the plaintiff shall have sustained thereby, and shall command the said sheriff to make return thereof to the said Court on a day certain in such writ to be mentioned, and such proceedings shall be had after the return of such writ as are in the said statute in that behalf mentioned, in like manner as if such writ had been executed before a Justice of Assize or Nisi Prius.

XIX. That every other writ of inquiry to be issued by the said Court of Common Pleas at Lancaster shall be made returnable on any day certain to be named in such writ.

XX. That in any action depending in the said Court of Common Pleas at Lancaster for any debt or demand in which the sum sought to be recovered and indorsed on the writ of summons shall not exceed 20*l.* it shall be lawful for the said Court or any Judge thereof, if such Court or Judge shall be satisfied that the trial of the said action will not involve any difficult question either of law or fact, and such Court or Judge shall think fit so to do, to order and direct that the issue or issues joined shall be tried before the sheriff of the said county palatine of Lancaster, or any Judge of any court of record for the recovery of debt in such county, and for that purpose a writ shall issue, directed to such sheriff or Judge, commanding him to try such issue or issues by a jury to be summoned by him, and to return such writ, with the finding of the jury thereon indorsed, at a day certain to be named in such writ, and thereupon such sheriff or Judge shall summon a jury, and shall proceed to try such issue or issues.

XXI. That at the return of every writ of inquiry, or writ for the trial of such issue or issues as aforesaid, costs shall be taxed, judgment signed, and execution issued forthwith, unless the sheriff or his deputy before whom such writ of inquiry may be executed, or such sheriff, deputy, or Judge before whom such trial shall be had, shall certify under his hand, upon such writ, that judgment ought not to be signed until the defendant shall have had an opportunity to apply to the said Court of Common Pleas at Lancaster, or one of the Judges thereof, for a new inquiry or trial, or the said Court, or one of the Judges thereof, shall think fit to order that judgment or execution shall be stayed till a day to be named in such order; and the verdict of such jury on the trial of such issue or issues shall be as valid and of the like force as a verdict of a jury at the Assizes; and the sheriff or his deputy or Judge presiding at the trial of such issue or issues shall have the like powers, with respect to the amendment on such trial, as are given to Judges at Nisi Prius by an Act, 3 & 4 Will. 4. c. 42, intituled, 'An Act for the further Amendment of the Law, and the better Advancement of Justice.'

XXII. Provided, That notwithstanding any judgment signed or execution issued as aforesaid by virtue of this Act, it shall be lawful for the said Court of Common Pleas at Lancaster to order such judgment to be vacated and execution to be stayed or set aside, and to enter an arrest of judgment, or grant a new trial or new writ of inquiry, as justice may appear to require; and thereupon the party affected by such writ of execution shall be restored to all that he may have lost thereby in such manner as upon the reversal of a judgment by writ of error or otherwise, as the Court may think fit to direct.

XXIII. That it shall be lawful for the defendant in all personal actions, except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation, or debauching of the plaintiff's daughter or servant, by leave of the said Court of Common Pleas at Lancaster or one of the Judges thereof, to pay into court a sum of money by way of compensation or amends, in such manner, and under such regulations as to the payment of costs and the form of pleading, as the Judges of the said court shall, by any rules or orders by them to be from time to time made, order and direct.

And after reciting that it would tend to further the administration of justice in the said Court of Common Pleas at Lancaster if more of the Judges of the superior Courts at Westminster were appointed Justices for all manner of pleas within the said county palatine of Lancaster:—

It is Enacted,

XXIV. That it shall and may be lawful to and for the King's most excellent Majesty, in right of his duchy and county palatine of Lancaster, from time to time to nominate and appoint all or any of the Judges of the superior Courts at Westminster to be Judges of the Court of Common Pleas for the county palatine of Lancaster: Provided nevertheless, that the Judges before whom the Assizes for the said county palatine of Lancaster shall from time to time be held, and their respective officers, shall alone be entitled to the fees and emoluments heretofore received by the Judges of the said county palatine and their officers.

XXV. That the Judges of the superior courts of common law at Westminster, or any eight or more of them, of whom the

chief of each of the said Courts shall be three, may, by any rule or order to be from time to time after this Act shall take effect, make such regulations as to the fees to be charged by all and every or any of the officers of the said Court of Common Pleas at Lancaster and the attorneys thereof as to them may seem expedient, and to alter the same when and as it may seem fit and proper, so as such fees shall not exceed the fees now received; and all such regulations shall be binding and obligatory on the said Court of Common Pleas at Lancaster, and all the officers and attorneys of the said Court.

XXVI. That it shall be lawful for any party in any action now depending or hereafter to be depending in the said Court of Common Pleas at Lancaster to apply by motion to any one of the superior Courts at Westminster sitting in banco, within such period of time after the trial as motions of the like kind shall from time to time be permitted to be made in the said superior court, for a rule to shew cause why a new trial should not be granted or nonsuit set aside, and a new trial had or a verdict entered for the plaintiff or defendant, or a nonsuit entered, as the case may be, in such action, which Court is hereby authorized and empowered to grant or refuse such rule, and afterwards to proceed to hear and determine the merits thereof, and to make such orders thereupon as the same Court shall think proper; and in case such Court shall order a new trial to be had in any such action the party or parties obtaining such order shall deliver the same, or an office copy thereof, to the Prothonotary of the said Court of Common Pleas at Lancaster, or his deputy, and thereupon all proceedings upon the former verdict or nonsuit shall cease; and the action shall proceed to trial at the next or some other subsequent session of Assizes holden for the county of Lancaster, in like manner as if no trial had been had therein; or in case the Court before which any such rule shall be heard shall order the same to be discharged, the party or parties obtaining any such order may, upon delivering the same or an office copy thereof to the said Prothonotary, or his deputy, be at liberty to proceed in any such action as if no such rule nisi had been obtained; or if a verdict be ordered to be entered for the plaintiff or defendant, or a nonsuit be ordered to be entered, as the case may be, judgment shall be entered accordingly.

XXVII. Provided, That the entering up of judgment in any action in the said Court of Common Pleas at Lancaster, and the issuing of execution upon such judgment, shall not be stayed, unless the party intending to apply for such rule as last aforesaid shall, with two sufficient sureties such as the last-mentioned Court shall approve of, become bound unto the party for whom such verdict or nonsuit shall have been given or obtained, by recognizance, to be acknowledged in the same Court, in such reasonable sum as the same Court shall think fit, to make and prosecute such application as aforesaid, and also to satisfy and pay, if such application shall be refused, the debt, or damages and costs adjudged and to be adjudged in consequence of the said verdict or nonsuit, and all costs and damages to be awarded for the delaying of execution thereon.

XXVIII. Provided, That nothing herein contained shall prevent the said Court of Common Pleas at Lancaster from granting any new trial, or setting aside any nonsuit, or entering a nonsuit, or altering a verdict as heretofore.

XXIX. That the service of every writ of subpoena hereafter to be issued out of the said Court of Common Pleas at Lancaster, and served upon any person in any part of England or Wales, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies, by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said Court of Common Pleas at Lancaster; and in case such person so served shall not appear according to the exigency of such writ, it shall be lawful for the same Court or one of the Judges thereof, upon oath or affirmation to be taken in open court, or upon an affidavit, of the personal service of such writ, to transmit a certificate of such default, under the hand of one of the Judges of the same Court, to the Court of King's Bench in England; and the said last-mentioned Court shall and may thereupon proceed against and punish, by attachment or otherwise, according to the course and practice of the same Court, the person so having made default, in such and the like manner as they might have done if such person had neglected or refused to appear in obedience to a writ of subpoena issued to compel the attendance of witnesses out of such last-mentioned Court.

XXX. That the said Court of King's Bench shall not in any case proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing to give evidence in obedience to any writ of subpoena or other process for that purpose issued under the authority of this Act, unless it shall be made to appear to the Court that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpoena was served upon such person.

XXXI. That whenever a plaintiff or defendant in any action or suit in which judgment shall be recovered in the said Court of Common Pleas at Lancaster shall remove his person or goods or chattels from or out of the jurisdiction of the said Court of Common Pleas at Lancaster, it shall and may be lawful for any of the superior Courts at Westminster, upon a certificate from the Prothonotary of the said Court of Common Pleas at Lancaster, or his deputy, of the amount of final judgment obtained in any such action, to issue a writ or writs of execution thereupon for the amount of such judgment, and the costs of such writ or writs and certificate, to the sheriff of any county, city, liberty, or place, against the person or persons or goods of the party or parties against whom such final judgment shall have been obtained, in such manner as upon judgments obtained in any of the said Courts at Westminster.

XXXII. That in case any rule of the said Court of Common Pleas at Lancaster cannot be enforced by reason of the non-residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such rule by the Prothonotary of the said Court, and an affidavit that by reason of such non-residence such rule cannot be enforced as aforesaid, to make such rule a rule of any one of the said Courts at Westminster, if such Court shall think fit, whereupon such rule shall be enforced as a rule of such Court.

XXXIII. That all writs issued out of the said Court of Common Pleas at Lancaster shall be tested in the name of the Chief Justice of that Court, or, in case of a vacancy of such office, in the name of one of the other Judges thereof; and that every writ of *Venire facias* jurors, issued out of the same Court, shall bear date on the day next preceding the first commission day of each Assize, unless such commission day shall be on a Monday, and then on the Saturday preceding; and that every writ of *Habeas corpus* juratorum shall bear date on the day of the return of the *Venire facias* jurors; and that all other writs, except writs of exigent and proclamation, shall respectively bear date on the day on which the same shall be issued; and that

all writs of execution may, if the party suing out the same shall think fit, be made returnable immediately after the execution thereof.

XXXIV. That whenever by any Act of Parliament, or by or under the authority of any Act of Parliament, or by any rule or order of any of His Majesty's superior Courts at Westminster, or of any of the Judges of the same, any rules, orders, or regulations shall be made for the purpose of framing, regulating, or amending the proceedings, practice, or pleadings of any of the said superior Courts at Westminster, it shall be lawful for the Judges of the said Court of Common Pleas at Lancaster, or any two of them, by rule or order to be made in that behalf, to adopt, *mutatis mutandis*, all or any of such rules, orders or regulations, or any part or parts thereof, as to the said last-mentioned Judges shall seem fit.

XXXV. That the costs to be from time to time allowed for preparing pleadings in actions in the said Court of Common Pleas at Lancaster shall be the same as shall be allowed for preparing pleadings of a like description in actions in the superior Courts at Westminster.

XXXVI. That this Act shall commence and take effect on the 1st of September 1834.

XXXVII. That this Act may be amended, altered, or repealed during the present session of Parliament.

The SCHEDULE to which this Act refers.

No. 1.

WRIT OF SUMMONS.

WILLIAM THE FOURTH, *et cetera*.

To C. D. of, *et cetera*, in the County of Lancaster, Greeting :

We command you [*or as before, or often We have commanded you*], that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of Common Pleas at Lancaster, in an Action on Promises [*or as the Case may be*] at the Suit of A. B. ; and take notice, that in default of your so doing the said A. B. may cause an Appearance to be entered for you, and proceed therein to Judgment and Execution.

Witness at Lancaster, the Day of in the Year of Our Reign.

MEMORANDUM to be subscribed on the Writ.

N.B.—This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

INDORSEMENT to be made on the Writ before Service thereof.

This writ was issued by E. F. of Attorney for the Plaintiff or Plaintiffs within named.

This Writ was issued by of Agent for G. H. of Attorney for the Plaintiff or Plaintiffs within named.

This Writ was issued in person by the Plaintiff or Plaintiffs within named who resides or reside at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such.*]

INDORSEMENT to be made on the Writ after Service thereof.

This Writ was served by me X. Y. on the Day of One thousand eight hundred and

X. Y.

No. 2.

FORMS OF ENTERING AN APPEARANCE.

A. B. Plaintiff against C. D.

or
against C. D. and another,

or
against C. D. and others.

Entered the

The Defendant C. D. appears in person. E. F., Attorney for C. D., appears for him. G. H., Attorney for the Plaintiff, appears for the Defendant C. D. according to the Statute.

Day of

One thousand eight hundred and

No. 3.

WRIT OF DISTRINGAS.

WILLIAM THE FOURTH, *et cetera*.

To the Sheriff of Lancashire, Greeting:

We command you, that you omit not by reason of any Liberty in your Bailiwick, but that you enter the same and distrain upon the Goods and Chattels of *C. D.* for the Sum of Forty Shillings, in order to compel his Appearance in Our Court of Common Pleas at Lancaster, to answer *A. B.* in a Plea of Trespass on the Case [*or Debt, as the Case may be*]; and how you shall execute this Our Writ you make known to Our Justices at Lancaster on the _____ Day of _____ now

Witness _____ at Lancaster, the _____ Day of _____ in the _____ Year of Our
Reign.

NOTICE to be subscribed to the foregoing Writ.

In the Court of Common Pleas at Lancaster:

Between *A. B.* Plaintiff,
and
C. D. Defendant.

Mr. *C. D.*

Take notice, that I have this Day distrained upon your Goods and Chattels in the Sum of Forty Shillings, in consequence of your not having appeared in the said Court to answer to the said *A. B.*, according to the Exigency of a Writ of Summons bearing Tests on the _____ Day of _____ and that in default of your Appearance to the present Writ within Eight Days inclusive after the Return hereof, the said *A. B.* will cause an Appearance to be entered for you, and proceed thereon to Judgment and Execution; or (*if the Defendant be subject to Outlawry*) will cause proceedings to be taken to outlaw you.

No. 4.

WRIT OF CAPIAS.

WILLIAM THE FOURTH, *et cetera*,

To the Sheriff of Lancashire.

or
To the Coroners of the County of Lancaster,

or
[*as the Case may be*], Greeting:

We command you [or as before, or often We have commanded you], that you omit not by reason of any Liberty in your Bailiwick, but that you enter the same and take *C. D.* of _____ if he shall be found in your Bailiwick, and him safely keep until he shall have given you Bail, or made Deposit with you, according to Law, in an Action on Promises [*or of Debt, et cetera.*] at the Suit of *A. B.*, or until the said *C. D.* shall by other lawful Means be discharged from your Custody: And We do further command you, that on Execution hereof you do deliver a Copy hereof to the said *C. D.*: And We do hereby require the said *C. D.* to take notice, that within Eight Days after Execution hereof on him, inclusive of the Day of such Execution, he should cause Special Bail to be put in for him in Our Court of Common Pleas at Lancaster to the said Action, and that in default of his so doing such Proceedings may be had and taken as are mentioned in the Warning hereunder written or indorsed hereon: And we do further command you the said Sheriff [*or Coroners, or as the Case may be*], that immediately after the Execution hereof you do return this Writ to Our said Court, together with the Manner in which you shall have executed the same, and the Day of the Execution hereof; or that if the same shall remain unexecuted, then that you do so return the same at the Expiration of Four Calendar Months from the Date hereof, or sooner, if you shall be thereto required by Order of the said Court or by any Judge thereof.

Witness _____ at Lancaster, the _____ Day of _____ in the _____ Year of our
Reign.

MEMORANDA to be subscribed to the Writ.

N.B.—This Writ is to be executed within Four Calendar Months from the Date thereof, including the Day of such Date and not afterwards.

A WARNING to the Defendant.

1. If a Defendant being in Custody shall be detained on this Writ, or if a Defendant being arrested thereon shall go to Prison for Want of Bail, the Plaintiff may declare against any such Defendant on or before the Third Commission Day of the Assizes (exclusive of a Sunday) next after such Detainer or Arrest, and proceed thereon to Judgment and Execution.

2. If a Defendant being arrested on this Writ shall have made a Deposit of Money, according to the Statute Seventh and Eighth of George the Fourth, Chapter Seventy-one, and shall omit to enter a Common Appearance to the Action, the Plaintiff will be at liberty to enter a Common Appearance for the Defendant, and proceed thereon to Judgment and Execution.

3. If a Defendant having given Bail on the Arrest shall omit to put in Special Bail, as required, the Plaintiff may proceed against the Sheriff, or on the Bail Bond.

4. If a Defendant, having been served only with this Writ, and not arrested thereon, shall not enter a Common Appearance within Eight Days after such Service, the Plaintiff may enter a Common Appearance for such Defendant, and proceed thereon to Judgment and Execution.

INDORSEMENTS to be made on the Writ of Capias.

Bail for Pounds by Affidavit;
 or
 Bail for Pounds by Order of [naming the Judge making the Order]. Dated the Day
 of This Writ was issued by G. H. of Attorney for the Plaintiff [or Plaintiffs] within named.
 or
 This Writ was issued by of Agent for E. F. of Attorney for the Plaintiff
 [or Plaintiffs] within named.
 or
 This Writ was issued in Person by the Plaintiff or Plaintiffs within named, who resides or reside at
 [mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence,
 if any such there be.]

No. 5.

WRIT OF DETAINER.

WILLIAM THE FOURTH, *et cetera*.

To the Sheriff of Lancashire, Greeting :

We command you, that you detain C. D. if he shall be found in your Custody at the Delivery hereof to you, and him safely keep in an Action on Promises [or of Debt, *et cetera*, as the Case may be,] at the Suit of A. B., until he shall be lawfully discharged from your Custody : And We do further command you, that on Receipt hereof you do warn the said C. D. by serving a Copy hereof on him, that within Eight Days after Service of such Copy, inclusive of the Day of such Service, he do cause Special Bail to be put in for him, in Our Court of Common Pleas at Lancaster, to the said Action ; and that in default of his so doing the said A. B. may declare against him on or before the Third Commission Day of the Assizes (exclusive of Sunday) next after his Detainer, and proceed thereon to Judgment and Execution : And we do further command you the said Sheriff, that immediately after the Service hereof you do return this Our Writ, or a Copy hereof, to Our said Court, together with the Day of the Service hereof.

Witness at Lancaster, the Day of in the Year of Our
 Reign.

N.B.—This Writ is to be indorsed in the same Manner as the Writ of Capias, but not to contain the Warning on that Writ.

CAP. LXIII.

AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland ; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of July One thousand eight hundred and thirty-five.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Secretary at War to issue the money required for the pay of the regular Militia.—Rates of pay.—Rates of pay when absent on furlough.—Clothing.—Contingent Fund.
2. Adjutant, &c. to reside where the arms of the corps are kept.
3. Adjutant to have charge of the arms and clothing ; and to issue the money for contingent expenses on an order signed by the colonel.—Balance to form a stock purse.

4. In absence of the adjutant, the serjeants, &c. to be under the command of the serjeant major.
5. Militia when called out for training or exercise entitled to pay.
6. Allowances to subalterns and surgeons mates and assistant surgeons.—Rank of certain officers.
7. Certain persons not entitled to allowances.
8. Oath to be taken to entitle officers, &c. to such allowances.—Form of oath.
9. Allowances to officers reduced in 1829.
10. Oath to be taken by officers claiming the said allowances.—Form of oath.
11. Out-pension to reduced corporals and drummers not to be received while serving.
12. Subalterns, mates, &c. to attend the exercise, &c.—Commanding officer may grant leave of absence.
13. If the regiment be not called out before the time fixed for the payment, the allowance shall be paid, on taking the oath, without certificate of attendance.
14. Allowances to be paid quarterly.
15. On neglect of attendance, subalterns, &c. shall forfeit their claim to the allowance.
16. Allowance not to be paid while the Militia is embodied.
17. Persons on half pay, or entitled to allowance as having served in the Army or Navy, empowered to receive pay, &c. during training.
18. Adjutants, &c. non-commissioned officers or privates, not to lose their right to Chelsea pensions, &c.
19. Allowances to be made for medicines.
20. Adjutants appointed before 24th of December 1814 entitled to receive, after a service of twenty years, if unfit for further service, an allowance of 8s. per day;—provided they do not hold certain other appointments.—Adjutants appointed since 24th of December 1814, entitled to receive, after thirty years service, &c. an allowance of 6s. per day.—Right to half pay reserved.
21. Allowances to adjutants, surgeons, and quartermasters.—Right to half pay reserved.
22. Reduced adjutants to receive 4s. per day till 30th of June 1835.—Right to half pay reserved.
23. Adjutants and serjeant majors entitled to allowance under 39 & 40 Geo. 3. c. 44.
24. Reduced adjutants may take such allowance with any pay or other allowance under 39 & 40 Geo. 3. c. 44, and 26 Geo. 3. c. 107.—*Proviso.*
25. Restrictions as to allowances to reduced adjutants of the local Militia.
26. Allowances to clerks of general and subdivision meetings in England.—Allowances to such officers and others in Scotland.
27. Manner of granting allowances.—Clerks, &c. to make oath of the justness of their accounts.
28. Deputy lieutenants may require the attendance of any surgeon residing near the place of meeting for appeals.—Oath to be taken by surgeon.—Allowance to surgeon.
29. Pay, &c. to be issued under directions of the Secretary at War.
30. Bills drawn for pay, &c. may be on unstamped paper.
31. No fee to be taken.
32. Expense of house for depositing arms and stores of the Militia in Ireland, &c. to be defrayed by the county.—Provision as to amount of rent.
33. Lord Lieutenant may order the arms of Militia of Ireland to be deposited in the Ordnance stores in Dublin.
34. Provisions of this Act relating to counties shall extend to ridings, stewartries, &c.
35. Continuance of Act.

* The Enactments of this Act, which is an annual Act, will be found at length in Law Journ. Abr. Stat. Vol. 10, p. 28.

CAP. LXIV.

AN ACT to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. General and subdivision meetings relating to the Militia suspended.
2. Proceedings may be had, during such suspension, by order in council.
3. His Majesty may direct vacancies not to be filled up.
4. Act to extend to the Stannaries.

Sections I. and II. same enactments as contained in 3 & 4 Will. 4. c. 21. [See Law Journ. Abr. Stat. Vol. 11. p. 57.]

III. That it shall and may be lawful for His Majesty, by order, signified by one of His Majesty's principal Secretaries of State, to direct that in case of any vacancy occurring in the disembodied permanent Staff, such vacancy if it be thought advisable, shall not be filled up.

Section IV. same enactment as sect. III. of 3 & 4 Will. 4. c. 21.

CAP. LXV.

AN ACT for the more effectual Administration of Justice at *Norfolk Island*.

(13th August 1834)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act, 35 Geo. 3. c. 18, repealed.*
2. *Governor of New South Wales empowered to institute a Court of Criminal Jurisdiction in Norfolk Island.*
3. *Court to consist of a barrister and five Military or Naval officers.*
4. *Regulating periods of holding the Court.*
5. *Court to be a Court of Record.*

By this Act,

After noticing that by an Act, 6 Geo. 4. c. 69, intituled, 'An Act for punishing Offences committed by Transports kept to Labour in the Colonies, and better regulating the Powers of Justices of the Peace in New South Wales,' His Majesty was empowered, by order in council, to appoint or authorize the governors or persons administering the government of any of His Majesty's foreign possessions, colonies, or plantations, to appoint the places within His Majesty's dominions to which any offenders convicted in any such possession, colony, or plantation, and being under sentence or order of transportation, should be sent or transported: And that His said late Majesty, by an order bearing date the 11th of November 1825, was pleased, by and with the advice of his Privy Council, to authorize the governors or other persons administering the government of any of His Majesty's possessions, colonies, or plantations, from time to time, by proclamation to be by them respectively for such purpose issued, to appoint the place or places within His Majesty's dominions to which any offender convicted as aforesaid, and being under sentence or order of transportation, should be sent or transported: And that, in pursuance of the said order of His Majesty in council, the Governor of New South Wales issued a proclamation, bearing date the 15th of August 1826, and thereby appointed, among other places, Norfolk Island to be the place within the colony of New South Wales to which offenders convicted in the said colony, and being under sentence or order of transportation, might be sent or transported: And that the removal of persons under charge of capital and other offences committed at Norfolk Island, from thence for trial in the supreme court of the said colony, is attended with great delay, expense, and inconvenience, and it is expedient that a Court should be established in Norfolk Island for the trial and punishment of crimes, misdemeanors, and offences, of what nature or degree soever, committed there by persons under sentence or order of transportation: And that an Act, 35 Geo. 3. c. 18, intituled, 'An Act to repeal an Act made in the last Session of Parliament, intituled, "An Act to enable His Majesty to establish a Court of Criminal Judicature in Norfolk Island," and for better enabling His Majesty to establish such Court in the said Island:' and that the provisions of the said recited Act are insufficient to remedy the inconvenience and to carry into effect the purposes hereinbefore expressed, and it is therefore expedient to repeal the same:—

It is Enacted,

I. That the said recited Act, 35 Geo. 3. c. 18, as aforesaid, and every clause, matter, and thing therein contained, shall be and the same is and are hereby repealed.

II. That it shall and may be lawful for the Governor of New South Wales, with the advice and consent of the legislative council of the said colony, by an ordinance to be by them made for such purpose, to institute a court of criminal jurisdiction in Norfolk Island, and to grant to such Court full power and authority to take cognizance of all crimes, misdemeanors, and offences soever committed by any felons or other offenders under sentence or order of transportation or removal to Norfolk Island, whether the same be committed within the said island, or on board of any ship or vessel during the passage of such felons or offenders to the same, or at the island called Philip Island, adjacent to Norfolk Island; and the said crimes, misdemeanors, and offences so committed to adjudge and punish respectively according to the laws in force in New South Wales in like cases.

III. That the said court of criminal jurisdiction shall consist of one Judge, who shall be a barrister duly admitted in England or Ireland, of not less than three years standing, and of five commissioned officers of His Majesty's sea or land forces, whether on full or half pay; and such Judge and officers respectively shall from time to time, as occasion shall require, be appointed by the Governor of New South Wales, for the purpose of forming a Court as aforesaid; and the said Court shall have such ministerial officers as shall be necessary for conducting the proceedings and executing the processes, judgments, and orders thereof; and the said ministerial officers shall be appointed to and removed from their respective offices in such manner as the said Governor for the time being shall direct; and the said Judge, commissioned officers, and ministerial officers respectively shall receive such reasonable allowances as the said Governor, with the advice of the legislative council of the said colony, shall, by any such ordinance made as aforesaid, appoint and direct, which allowances shall be in lieu of all fees, perquisites, and emoluments whatsoever in respect of their said offices.

IV. That the said court of criminal jurisdiction shall be holden at Norfolk Island at such times and place as the Governor of New South Wales shall, by warrant under his hand, from time to time appoint and direct; and all crimes, misdemeanors, offences, and other misconduct cognizable by such Court shall be prosecuted, tried, and adjudged, and the judgments, processes, and orders thereof shall be carried into effect, according to such forms, rules, course, and order of proceeding as the said Governor, with the advice of the said legislative council, shall by any such ordinances as aforesaid from time to time direct and appoint: Provided always however, that execution shall not be had or done upon any convict or convicts in any capital case unless the said Judge and five officers by whom such convict or convicts shall be tried shall concur in finding him or them guilty.

V. That the said court of criminal jurisdiction shall be a court of record, and shall have all such powers as by law are incident and belong to a court of record: Provided always, that the records and proceedings of such court shall be deposited in the office of the supreme court of New South Wales, and there safely kept in like manner as other records of the said court.

CAP. LXVI.

AN ACT for empowering the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay the net Proceeds of the Tolls of the *Menai* and *Conway* Bridges into the Receipt of His Majesty's Exchequer at *Westminster*, to the Account of the Consolidated Fund.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Such parts of recited Acts as relate to the application of monies, repealed.
2. All monies now in hand, or hereafter received, to be paid by the Commissioners into the receipt of the Exchequer.
3. Trustees of the *St. Alban's* Trust empowered to continue the tolls levied under the Acts herein recited.
4. The said Trustees to pay to Commissioners further sums out of the tolls, not exceeding 4,500*l*.
5. Trustees of the *Hockliffe* and *Stratford* Road to continue additional tolls levied by 9 Geo. 4. c. 75.
6. The said Trustees to pay to Commissioners further sums out of additional tolls, not exceeding 2,500*l*.
7. Trustees of *Dunchurch* and *Stonebridge* Trust to continue additional tolls.
8. The said Trustees to pay to Commissioners further sums out of additional tolls, not exceeding 2,500*l*.
9. Trustees of the *Shiffnall* district of the *Watling* Street Road to continue additional tolls.
10. The said Trustees to pay to Commissioners, out of additional tolls, further sums, not exceeding 250*l*.
11. Tolls to be continued, subject to existing powers and provisions, with powers for Commissioners of 3 & 4 Will. 4. to take possession of toll gates in cases of default.

By this Act,

After noticing that by an Act, 59 Geo. 3. c. 48, intituled, 'An Act to amend an Act passed in the Fifty-fifth Year of His present Majesty, for granting to His Majesty, the Sum of Twenty thousand Pounds towards repairing Roads between London and Holyhead by Chester, and between London and Bangor by Shrewsbury; and for giving additional Powers to the Commissioners therein named to build a Bridge over the *Menai* Straits, and to make a new Road from Bangor Ferry to Holyhead in the County of Anglesea,' it was (amongst other things) enacted, that the Commissioners therein named should yearly, out of the monies arising from the tolls which should be collected and received at any of the turnpikes or toll gates erected on or across the said intended bridge by virtue of the said Act now in recital, reserve and keep in their own hands the sum of 500*l*. as and for the expenses incident to the maintaining and keeping in necessary repair the said intended bridge, and the accesses and roads thereto within one hundred yards thereof; and all the surplus, rest, residue, and remainder of the monies arising from such last-mentioned tolls should yearly and every year, on the 1st of May, or within thirty days thereafter, be paid over by the said Commissioners into the receipt of His Majesty's Exchequer at Westminster, to the account of the Consolidated Fund, until the whole of the principal sum or sums of money which should be advanced by the Lord High Treasurer or the Commissioners of His Majesty's Treasury for and towards defraying the expenses of building and completing the said bridge and the accesses thereto, and for making and completing a road from the said bridge to Holyhead, and for the purchase of the said ferry called Bangor Ferry, and the tolls, profits, and appurtenances thereof, or of any lands, tenements, or hereditaments necessary for the purposes of the said bridge or roads, together with interest for the same at and after the rate of 5*l*. per cent. per annum, should be wholly paid off and discharged; and when the whole of such principal sum or sums, together with the interest for the same at and after the rate aforesaid, should be so discharged, then all the money arising from the said tolls should be applied by the said Commissioners in the support, repair, and maintenance of the said intended bridge and the accesses thereto: And that by an Act, 4 Geo. 4. c. 74, intituled, 'An Act for vesting in Commissioners the Bridges now building over the *Menai* Straits and the River Conway, and the Harbours of Howth, and Holyhead, and the Road from Dublin to Howth; and for the further Improvement of the Road from London to Holyhead,' it was (amongst other things) enacted, that all the powers, clauses, provisions, and authorities contained in the said recited Act, 59 Geo. 3, should be exercised and carried into execution by the Commissioners appointed by the Act now in recital, in the building and completing the said bridge over the *Menai* Straits, and the roads and accesses thereto, in the same manner and as fully and efficiently as the same might have been exercised and carried into effect by the said Commissioners mentioned in the said recited Act, 59 Geo. 3; and from and after the said bridge should be completed, the same, with the accesses and approaches thereto, should be maintained, repaired, and supported under the powers and authorities and provisions of the said recited Act, 59 Geo. 3, for building a bridge over the *Menai* Straits; and it was further enacted, that the said Commissioners appointed by the Act now in recital should yearly, out of the monies arising from the tolls which should be collected and received at the turnpikes or toll gates erected on or across the said bridge over the river Conway, reserve and keep in their own hands the sum of 200*l*. as and for the expenses incident to the maintaining and keeping in necessary repair the said bridge over the river Conway, and the accesses and roads thereto; and all the surplus, rest, residue, and remainder of the monies arising from such last-mentioned tolls should yearly and every year, on the 1st of May, or within thirty days thereafter, be paid over by the said Commissioners into the receipt of His Majesty's Exchequer at Westminster, to the account of the Consolidated Fund, until the whole of the principal sum of 40,000*l*. advanced by the Commissioners of His Majesty's Treasury under the powers of an Act, 1 & 2 Geo. 4. c. 35, intituled, 'An Act for applying a certain Sum of Money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the Purpose of building a Bridge over the River Conway in the County of Carnarvon, and for imposing additional Rates of Postage on Letters and Packets conveyed over the said Bridge,' for and towards the expenses of building and completing

the said bridge over the river Conway, and the accesses and approaches thereto, and for the purchase of Conway Ferry, and the tolls and profits arising therefrom, together with interest for the same at and after the rate of 4*l.* per cent. per annum, should be wholly paid off and discharged; and when the whole of such principal sum or sums, together with interest for the same at and after the rate aforesaid, should be so discharged, then all the monies arising from the said tolls should be applied by the said Commissioners thereby appointed in the support, repair, and maintenance of the said intended bridge and the accesses thereto: And that by an Act, 3 & 4 Will. 4. c. 43, intituled, 'An Act for transferring to the Commissioners of His Majesty's Woods and Forests the several Powers now vested in the Holyhead Road Commissioners, and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours, and Bridges now under their Care and Management,' it was (amongst other things) enacted, that from and after the passing of the Act now in recital the Commissioners appointed in and by the said recited Act, 4 Geo. 4, should be discharged from and should cease to carry into execution all or any of the trusts and powers vested in them by the said recited Act, 4 Geo. 4; and it was further enacted, that the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, and such other person or persons as should be nominated and appointed in manner thereafter mentioned, should be Commissioners for carrying into execution the powers and provisions of the said several thereinbefore recited Acts and the Act now in recital: and that it is expedient that the whole net amount of all the tolls to be received at the turnpikes or toll gates erected on or across the said bridges respectively (after deducting the expenses of collection and management) should be paid into the receipt of His Majesty's Exchequer at Westminster, to the account of the Consolidated Fund:—

It is Enacted,

I. That from and after the passing of this Act such parts of the said recited Acts as relate to the application of the monies arising from the tolls of the said bridges respectively shall be and the same are hereby repealed.

II. That all monies now at the disposal of the Commissioners for the execution of the said recited Act, 3 & 4 Will. 4. c. 43, received on account of the tolls of the said bridges respectively, and whether in respect of the said annual sums of 300*l.* and 200*l.* so directed to be set apart as aforesaid, or otherwise, under or by virtue of the said recited Acts or any of them, shall immediately after the passing of this Act be paid into the receipt of His Majesty's Exchequer at Westminster, to the account of the Consolidated Fund; and all sums of money which shall at any time hereafter be received by the said last-mentioned Commissioners, their agents or receivers, on account of the said tolls, after deducting thereout all the expenses incidental to the collection and management of the said tolls, shall yearly and every year, on the 1st of May, or within thirty days thereafter, be paid over by the said Commissioners into the receipt of His Majesty's said Exchequer, to the said account of the Consolidated Fund.

And after noticing that by an Act, 7 Geo. 4. c. 76, intituled, 'An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead,' it was enacted, that the Commissioners acting in execution of the said recited Act, 4 Geo. 4. c. 74, should apply any sum not exceeding the sum of 14,000*l.* in making and completing a new cut or piece of road, leaving the then present road from London to Holyhead in the town of Barnet, and falling into the same road again at South Mimms, the same being within the limits and district of the St. Alban's trust; and it was thereby further enacted, that it should be lawful for the trustees of the St. Alban's trust, and they were thereby authorized and required, when and as soon as the said new road should be completed and opened to the public, to cause a toll gate to be erected and set up on the said new road, and to take and collect the several tolls in the now reciting Act particularly mentioned and specified; and it was thereby further enacted, that the said trustees of the St. Alban's trust should apply and dispose of the tolls to be collected by them in the said new line of road, under the authority of the now reciting Act, in manner following; (that is to say,) one-fourth part of the amount of the said tolls should be applied in repairing and maintaining the said last-mentioned new road, and the other roads within the St. Alban's trust; and all the rest, residue, and remainder of the amount of the said last-mentioned tolls, after deducting the expenses of collecting and receiving the same, should be annually accounted for and paid over by the said trustees of the St. Alban's trust to the Commissioners acting in the execution of the said recited Act, 4 Geo. 4. c. 74, until the amount of the sum or sums to be advanced under the provisions of the now reciting Act, and applied in completing and repairing the said last-mentioned new piece of road, together with interest for the same after the rate of 4*l.* per cent. per annum, to be computed on the said sum or sums from the time of advancing the same, should have been paid off and discharged, the said interest of 4*l.* per cent. per annum on so much of the said principal sum or sums so to be advanced as aforesaid as should from time to time remain due, to be in the first place paid; and the balance which should from time to time arise from the said tolls should be applied, so far as the same might extend, in discharge of the said principal sum or sums so to be advanced as aforesaid; and when and as soon as the said principal money, together with the interest thereon, should be fully paid off and discharged, the said trustees of the St. Alban's trust should and they were thereby authorized and required to reduce the said tolls to one half part of the amount thereinbefore directed to be taken and collected by them, and from thenceforth the said trustees should collect and receive such reduced tolls, and, after paying the expenses of collecting and receiving the same, should lay out and apply the residue thereof in and towards the future repairs and maintenance of the whole line of road extending from the town of Barnet to a certain place beyond St. Alban's called the Pond Yards: And that by an Act, 7 & 8 Geo. 4. c. 35, intituled, 'An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool,' it was enacted, that in case the sum which by the said recited Act, 7 Geo. 4. c. 76, was made applicable to the making and completing of the said new piece of road from Barnet to South Mimms should be found insufficient for the purpose, the said Commissioners acting in execution of the said recited Act, 4 Geo. 4. c. 74, should, in manner therein directed, certify the amount of the deficiency to the said trustees of the said St. Alban's trust, and the said trustees should pay the amount of such deficiency, provided the same should not exceed the sum of 3000*l.*, out of the tolls to be collected on the said new piece of road: And that by an Act, 4 Will. 4. c. 67, intituled, 'An Act to alter and amend several Acts for the Improvement of the Roads from London to Holyhead, and from London to Liverpool, and for the further Improvement of the said Roads,' it is enacted, that during such time as the said new piece of road from Barnet to South Mimms should be repaired and maintained by the said Commissioners acting in execution of the said recited Act, 4 Geo. 4. c. 74, as aforesaid, under or by virtue of the powers and provisions contained in the said recited

Act, 7 & 8 Geo. 4, the said Commissioners were thereby authorized and empowered, with and out of the tolls to be received by them from the trustees of the St. Alban's trust in respect of the said new piece of road, to lay out and expend in the repair and maintenance of the same such annual sum or sums of money as they the said Commissioners might think expedient, not exceeding the annual sum of 1000*l.*: And that the said new piece of road from Barnet to South Mims hath been long since completed and opened to the public, and the same hath been kept in repair by and under the direction of the Commissioners acting in execution of the said recited Act, 4 Geo. 4. c. 74, up to and until the 19th of July 1833, when the care and management of the said road was transferred to the trustees of the St. Alban's trust: And that the several sums which were by the said recited Acts made applicable to the making, completing, and repairing the said new piece of road have been found insufficient for that purpose; and by an account made up and stated by the said Commissioners acting in execution of the said recited Act, 4 Geo. 4. c. 74, it appears that at the time of transferring the said new piece of road to the trustees of the St. Alban's trust as aforesaid several further sums of money had been laid out and expended by them the said Commissioners in the making and repairing such new piece of road, and other sums of money remained due and owing from the said Commissioners in respect thereof: And that it is expedient that provision should be made for the payment of such sums of money to the said Commissioners acting in execution of the hereinbefore recited Act, 3 & 4 Will. 4. c. 43:—

It is Enacted,

III. That it shall and may be lawful to and for the trustees of the St. Alban's trust, and they are hereby authorized, empowered, and required, to continue the tolls by them imposed and raised and now levied under or by virtue of the said recited Act, 7 Geo. 4. c. 76, for the purpose of paying off the several sums authorized and directed by that Act and by the said recited Acts, 7 & 8 Geo. 4, and 1 Will. 4. c. 67, to be laid out and expended in the making and repairing of the said new piece of road from Barnet to South Mims, and all interest due or to become due on the said several and respective sums, until as well the said several sums, and all interest due and to become due thereon respectively, as also the sum or sums to be paid by the trustees of the St. Alban's trust to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4. c. 43, as hereinafter directed, together with all interest thereon, shall be fully paid off and discharged.

IV. That it shall and may be lawful for the trustees of the St. Alban's trust, and they are hereby authorized and required, with and out of the said tolls, (in addition to and over and above the several sums mentioned in the said recited Acts, 7 and 7 & 8 Geo. 4, and 1 Will. 4. c. 67, and interest thereon respectively,) to pay to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4. c. 43, such further sum or sums of money, not exceeding in the whole the sum of 4,500*l.*, as shall have been paid and applied in making and repairing the before-mentioned new piece of road, together with interest at the rate of 4*l.* per cent. per annum, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as shall from time to time remain due and unpaid.

And after reciting that by an Act, 9 Geo. 4. c. 75, intitled, 'An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool,' it was enacted, that the Commissioners acting in execution of the said recited Act of 4 Geo. 4. should apply any sum not exceeding the sum of 4,700*l.* in altering and improving the road from Hockliffe in the county of Bedford to Stony Stratford in the county of Buckingham, the same being within the limits and district of the Hockliffe and Stratford trust, and in repairing the same for the space of two years after the same should have been completed; and it was thereby further enacted, that it should be lawful for the trustees of the Hockliffe and Stratford Road, and they were thereby required, to continue the additional tolls by them imposed and raised and then levied for the purpose of paying off the sums of 7,000*l.* and 1,500*l.*, advanced for certain alterations and improvements in the said road in the said Act mentioned, until as well the said sums of 7,000*l.* and 1,500*l.* so advanced, and all interest thereon respectively, as also the principal sum or sums to be advanced under the provisions of the now reciting Act, and to be applied in altering and improving the road within the said trust and in repairing the same as thereinbefore directed, together with interest at the rate of 4*l.* per centum per annum, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as should from time to time remain due and unpaid, should be fully paid off and discharged: And that the alterations and improvements in the road from Hockliffe to Stony Stratford authorized and directed to be made and done by the said recited Act, 9 Geo. 4, have been some time since completed and finished, and the said road hath been kept in repair by and under the direction of the Commissioners acting in execution of the said recited Act, 4 Geo. 4, up to and until the 1st of August 1830, when the care and management of the said road was transferred by them to the trustees of the Hockliffe and Stratford trust: And that the said sum of 4,700*l.* by the said recited Act, 9 Geo. 4, made applicable to the making and completing such alterations and improvements in the said road, has been found insufficient for the purpose of completing and repairing the same; and by an account made up and stated by the said Commissioners acting in execution of the said recited Act, 4 Geo. 4, it appears that at the time of their transferring the said road to the trustees of the Hockliffe and Stratford trust several further sums of money had been laid out and expended by them the said Commissioners in the said alterations and improvements in the said road, and other sums of money remained due and owing from the said Commissioners in respect thereof: And that it is expedient that provision should be made for the payment of such sums of money to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4:—

It is Enacted,

V. That it shall and may be lawful for the trustees of the Hockliffe and Stratford Road, and they are hereby authorized, empowered, and required, to continue the additional tolls by them imposed and raised and now levied for the purpose of paying off the several sums of 7,000*l.*, 1,500*l.*, and 4,700*l.*, mentioned in the said recited Act, 9 Geo. 4, until as well the said last-mentioned several sums, and all interest due or to become due thereon respectively, as also the sum or sums to be paid by the trustees of the Hockliffe and Stratford Road to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4, as hereinafter directed, together with interest thereon, shall be fully paid off and discharged.

VI. That it shall and may be lawful for the trustees of the Hockliffe and Stratford Road, and they are hereby authorized and required, with and out of the said additional tolls, (in addition to and over and above the said several sums of 7,000*l.*, 1,500*l.*, and 4,700*l.*, and the interest thereof respectively,) to pay to the said Commissioners acting in execution of the said recited Act,

3 & 4 Will. 4, such further sum or sums of money, not exceeding in the whole the sum of 2,500*l.*, as shall have been laid out and applied in the alterations and improvements of the said road within the Hockliffe and Stratford trust, together with interest at the rate of 4*l. per centum per annum*, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as shall from time to time remain due and unpaid.

And after reciting that by the said recited Act, 7 & 8 Geo. 4, it was enacted, that it should be lawful for the Commissioners acting in execution of the said recited Act, 4 Geo. 4, to apply the sum of 12,000*l.* in making and completing a new cut or piece of road, leaving the then present road from London to Holyhead at the Seven Stars public house at Whitley in the county of the city of Coventry, and passing from thence in nearly a direct line to within a short distance of the southern end of Little Park Street in the city of Coventry, and from thence into Hertford Street in the same city, and leaving the said city at Saint John's Church, and passing from thence in a direct line to the village of Allesley in the county of Warwick, the same being within the limits and district of the Dunchurch and Stonebridge trust, and in or towards the repairing and maintaining such parts of the said new piece of road as thereafter mentioned for the period of two years after the same should have been completed and opened to the public; and it was thereby also further enacted, that the said trustees of the Dunchurch and Stonebridge trust should and they were thereby authorized and required to demand and take at the several turnpike gates which should be erected by virtue of the said Act or any other Act upon the said road or any part thereof, besides the ordinary tolls authorized to be collected and taken by them by the Act therein mentioned, the several tolls and duties in the now reciting Act particularly mentioned and specified; and it was thereby further enacted, that it should be lawful for the said trustees of the Dunchurch and Stonebridge trust, and they were thereby authorized and required, to apply the monies arising from the said additional tolls to be so collected by them as aforesaid, in the first place, in the payment of two several sums of 3,500*l.* and 2,000*l.* in the now reciting Act mentioned, and the interest thereof respectively, or so much thereof as remained due and unpaid; in the next place, in repaying to the said Commissioners acting in execution of the said recited Act, 4 Will. 4, the sum of 12,000*l.*, to be applied, under the provisions thereinbefore contained, in making the aforesaid new piece of road within the said trust, together with interest at the rate of 4*l. per centum per annum*, to be computed from the time or respective times of advancing the same, on so much of the said last-mentioned sum as should be for the time being due and unpaid: And that by the said recited Act, 9 Geo. 4, it was enacted, that the Commissioners acting in execution of the said recited Act, 4 Geo. 4, should apply any sum not exceeding 4,000*l.* in altering and improving the road from the Seven Stars public house at Whitley to the city of Coventry, and from thence to the village of Allesley, in the county of Warwick, the same being within the limits and district of the Dunchurch and Stonebridge trust, and in repairing the same for the period of two years after the same should have been completed; and it was thereby further enacted, that it should be lawful for the trustees of the Dunchurch and Stonebridge trust, and they were thereby required, to continue the additional tolls by them imposed and raised and then levied under the powers and authorities of the said recited Act, 7 & 8 Geo. 4, for the purpose of paying off the several sums of 3,500*l.* 2,000*l.*, and 12,000*l.* in the said Act mentioned, and all interest due and to become due on the said several and respective sums, until as well the said several sums of 3,500*l.*, 2,000*l.*, and 12,000*l.*, and all interest due or to become due thereon respectively, as also the principal sum or sums to be advanced under the provisions of the now reciting Act, and to be applied in making improvements in the road within the districts of the Dunchurch and Stonebridge trust, and in repairing the same as therebefore directed, together with interest at the rate of 4*l. per centum per annum*, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as should from time to time remain due and unpaid, should be fully paid off and discharged: And that the new piece of road, alterations, and improvements within the Dunchurch and Stonebridge trust authorized and directed to be made and done by the said recited Acts, 7 & 8 and 9 Geo. 4, have been some time since completed and finished, and the said roads have been kept in repair by and under the direction of the Commissioners acting in execution of the said recited Act, 4 Geo. 4, up to and until the 20th of August 1831, when the care and management of the said roads was transferred to the trustees of the Dunchurch and Stonebridge trust: And that the said several sums of 12,000*l.* and 4,000*l.* by the said recited Acts, 7 & 8 and 9 Geo. 4, made applicable to the making and completing such new piece of road, alterations, and improvements, have been found insufficient for the purposes of completing the same; and by an account made up and stated by the said Commissioners acting in execution of the said recited Act, 4 Geo. 4, as aforesaid, it appears that at the time of their transferring the said roads to the trustees of the Dunchurch and Stonebridge trust several further sums of money have been laid out and expended by them the said Commissioners in or about the said new piece of road, alterations, and improvements, and other sums of money remained due and owing from the said Commissioners in respect thereof: And that it is expedient that provision should be made for the payment of such sums of money to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4:—

It is Enacted,

VII. That it shall and may be lawful for the trustees of the Dunchurch and Stonebridge trust, and they are hereby authorized, empowered, and required, to continue the additional tolls by them imposed and raised and now levied under or by virtue of the said recited Act, 7 & 8 Geo. 4, as aforesaid, for the purpose of paying off the several sums of 3,500*l.*, 2,000*l.*, 12,000*l.*, and 4,000*l.* mentioned in the said recited Act, 9 Geo. 4, until as well the said last-mentioned several sums, and all interest due or to become due thereon respectively, as also the sum or sums to be paid by the trustees of the Dunchurch and Stonebridge trust to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4. c. 43, as hereinafter directed, together with interest thereon, shall be fully paid off and discharged.

VIII. That it shall and may be lawful for the trustees of the Dunchurch and Stonebridge trust, and they are hereby authorized and required, with and out of the said additional tolls, (in addition to and over and above the said several sums of 3,500*l.*, 2,000*l.*, 12,000*l.*, and 4,000*l.*, and the interest thereof respectively,) to pay to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4, such further sum or sums of money, not exceeding in the whole the sum of 2,500*l.*, as shall have been laid out and applied in the making and completing the said new piece of road, alterations, and improvements within the Dunchurch and Stonebridge trust, together with interest at the rate of 4*l. per centum per annum*, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum or sums as shall from time to time remain due and unpaid.

And after reciting that by the said recited Act, 9 Geo. 4, it was enacted, that the Commissioners acting in execution of the said recited Act, 4 Geo. 4, should apply any sum not exceeding the sum of 5,500*l.* in making a new cut or piece of road from the main street in the town of Shiffnall in the county of Salop, and passing from thence in nearly a straight line over premises belonging to Mister Brown and others to the cross lane in the then present mail coach road near Mister Brook's gate, the same being within the limits and district of the Shiffnall district of the Watling Street Road, and in repairing the same for the period of two years after the same should have been completed; and it was thereby further enacted, that the trustees of the Shiffnall district of the Watling Street Road should after the 1st of January 1829 demand and take at the turnpike gates which should be erected on the said road or any part thereof, being part of the Holyhead mail coach road, besides the ordinary tolls by the Act therein mentioned authorized to be taken, the several additional tolls in the now reciting Act particularly mentioned; and it was thereby further enacted, that it should be lawful for the said trustees of the Shiffnall district of the Watling Street Road, and they were thereby authorized and required, to apply the money arising from the said additional tolls to be so collected by them as aforesaid, in the first place, in the payment of two several sums of 2,000*l.* and 4,000*l.*, and the interest thereof respectively, or so much thereof as still remained due and unpaid; in the next place, in repaying to the said Commissioners acting in the execution of the said recited Act, 4 Geo. 4, the sum of 5,500*l.*, to be applied, under the provisions in the now reciting Act contained, in making the alterations and improvements in the road within the said trust, together with interest at the rate of 4*l. per centum per annum*, to be computed from the time or respective times of advancing the same, on so much of the said last-mentioned sum of 5,500*l.* as should be for the time being due and unpaid, such interest to be paid by two half-yearly payments in every year; and when and so soon as the said sum of 5,500*l.*, together with the interest thereon, should be fully paid off and discharged, the said trustees should cease to collect the said additional tolls: And that the said last-mentioned new piece of road authorized and directed to be made by the said last-before recited Act hath been some time since completed and finished, and the said new piece of road hath been kept in repair by and under the direction of the Commissioners acting in execution of the said recited Act, 4 Geo. 4, up to and until the time when the care and management of the said new piece of road was transferred by them to the trustees of the Shiffnall district of the Watling Street Road: And that the said sum of 5,500*l.* by the said last-recited Act made applicable to the making and completing the said new piece of road has been found insufficient for that purpose; and by an account made up and stated by the said Commissioners acting in execution of the said recited Act, 4 Geo. 4, as aforesaid, it appears that at the time of their transferring the said new piece of road to the trustees of the Shiffnall district of the Watling Street Road as aforesaid several further sums of money had been laid out and expended by them the said Commissioners in the making and repairing such new piece of road, and other sums of money remained due and owing from the said Commissioners in respect thereof: And that it is expedient that provision should be made for the payment of such sums of money to the said Commissioners acting in execution of the hereinbefore recited Act, 3 & 4 Will. 4:—

It is Enacted,

IX. That it shall and may be lawful for the trustees of the Shiffnall district of the Watling Street Road, and they are hereby authorized, empowered, and required, to continue the additional tolls by them imposed and raised and now levied under or by virtue of the said recited Act, 9 Geo. 4, for the purpose of paying off the said several sums of 2,000*l.*, 4,000*l.*, and 5,500*l.* in the said Act mentioned, until as well the said last-mentioned several sums, and all interest due or to become due thereon respectively, as also the sum or sums to be paid by the trustees of the Shiffnall district of the Watling Street Road to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4, as hereinafter directed, together with interest thereon, shall be fully paid off and discharged.

X. That it shall and may be lawful for the trustees of the Shiffnall district of the Watling Street Road, and they are hereby authorized and required, with and out of the said additional tolls, (but subject and without prejudice to the payment of the said several sums of 2,000*l.*, 4,000*l.*, and 5,500*l.*, and the interest thereof respectively,) to pay to the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4, such further sum or sums of money, not exceeding in the whole the sum of 250*l.*, as shall have been laid out and applied in the making and completing the said new piece of road within the Shiffnall district of the Watling Street trust, together with interest at the rate of 4*l. per centum per annum*, to be computed from the time or respective times of the advancing thereof, on so much of the said last-mentioned sum as shall from time to time remain due and unpaid.

XI. That all the said additional and other tolls which are and which are to be continued to be levied and raised by the trustees of the Saint Alban's trust, the trustees of the Hockliffe and Stratford trust, the trustees of the Dunchurch and Stonebridge trust, and the trustees of the Shiffnall district of the Watling Street trust, as hereinbefore is directed, shall, during the time that they are hereby required to be continued, be levied and raised and be accounted for and paid over in the manner and under the powers and provisions of the several Acts under which such additional and other tolls are now collected and taken by such respective trustees; and in case the said trustees or any or either of them shall refuse or neglect to levy, collect, or continue the said additional and other tolls, or shall lower the same, or shall make default in payment of the sum or sums to be paid by them as hereinbefore directed, or the interest thereof, before the same sums and the interest thereof shall be fully paid off and discharged, it shall and may be lawful for the said Commissioners acting in execution of the said recited Act, 3 & 4 Will. 4, to enter upon and take possession of the toll gates, bars, and toll houses of the trustees making default, and to collect, take, receive, and recover the tolls arising on the road under the care of the trustees making default, and to pay over the same in manner directed by the said several Acts under which such additional and other tolls are now raised, collected, and taken by such trustees, and by this Act, and to execute all the powers, provisions, and authorities in and by the said several Acts in such case given, as fully and effectually as if the same were repeated and re-enacted in and by this Act.

CAP. LXVII.

AN ACT for abolishing Capital Punishment in case of returning from Transportation.

(13th August 1834.)

By this Act,

After reciting that by an Act, 5 Geo. 4. c. 84, intituled, 'An Act for the Transportation of Offenders from Great Britain,' it is amongst other things enacted, that if any offender who should have been or should be sentenced or ordered to be transported or banished, or who should have agreed or should agree to transport or banish himself or herself, on certain conditions, either for life or any number of years, under the provisions of the said last-mentioned recited Act or any former Act, should be afterwards at large within any part of His Majesty's dominions, without some lawful cause, before the expiration of the term for which such offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, on certain conditions, either for life or any number of years, under the provisions of the said last-recited Act or any former Act, should be afterwards at large within any part of His Majesty's dominions, without some lawful cause, before the expiration of the term for which such offender should have been sentenced or ordered to be transported or banished, or should have so agreed to transport or banish himself or herself, every such offender so being at large, being thereof lawfully convicted, should suffer death as in cases of felony without benefit of clergy: And that it is expedient that a lesser punishment than that of death should be provided for the punishment of the offenders convicted of any such offence so specified in the said Act, 5 Geo. 4:—

It is Enacted,

That so much of the recited Act as inflicts the punishment of death upon persons convicted of any offence therein and heretofore before specified shall be and the same is hereby repealed; and that from and after the passing of this Act every person convicted of any offence above specified in the said Act, 5 Geo. 4, or of aiding or abetting, counselling or procuring the commission thereof, shall be liable to be transported beyond the seas for his or her natural life, and previously to transportation shall be imprisoned, with or without hard labour, in any common gaol, house of correction, prison, or penitentiary for any term not exceeding four years.

CAP. LXVIII.—IRELAND.

AN ACT to authorize an Advance out of the General Fund of Monies belonging to the Suitors of the Courts of Chancery and Exchequer in *Ireland*, towards the purchasing of Ground, and building thereon Offices necessary to the Courts of Justice in *Dublin*.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *The Bank of Ireland may advance to the Commissioners of Public Works, out of the Suitors' Fund of the Courts of Chancery or of the Exchequer, certain sums for purchase of ground and building offices.*
2. *In case of deficiency of amount for said purposes Treasury to advance.*
3. *Power to Commissioners to take land, &c. rendering satisfaction for the same.—In case of the parties not agreeing, a jury to be empannelled.*
4. *Incapacitated persons empowered to treat for sale of lands.—Form of conveyance.*

By this Act,

After noticing that by an Act, 30 Geo. 3. c. 41, (1.) intituled, 'An Act for enabling the Lord High Chancellor and the Court of Exchequer respectively to make Orders on the Governor and Company of the Bank of Ireland for Payment, out of the General Fund of Monies belonging to the Suitors of the Courts of Chancery and Exchequer, the Sum therein mentioned towards building the principal Courts of Justice at Dublin, and Law Offices, and for amending an Act, intituled, "An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery and Court of Exchequer, by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, and for other Purposes,"' it is amongst other things enacted, that out of the general fund of the monies of the suitors of His Majesty's High Court of Chancery and Court of Exchequer, which then were or should be deposited in the Bank of Ireland, the Governor and Company of the Bank of Ireland should, within the space of three years from the 25th of March 1790, pay to the Lord High Chancellor and Chief Judges, towards building such courts and offices as therein mentioned, the sum of 30,000*l.*, in manner therein provided: And that by an Act, 34 Geo. 3. c. 6, (1.) intituled, 'An Act for enabling the Lord High Chancellor of Ireland and the Court of Exchequer respectively to make Orders on the Governor and Company of the Bank of Ireland for Payment, out of the General Fund of Monies belonging to the Suitors of the Court of Chancery and Exchequer, of the further Sum therein mentioned towards building the principal Courts of Justice at Dublin, and Law Offices, and for declaring that all Government Securities purchased by the Governor and Directors of the said Bank, and Profits arising therefrom, should be placed to the Account of the Governor and Company of the said Bank,' it was amongst other

for the general trade of the Bristol Channel or Severn Sea, the sum of 300*l.* and upwards shall have been expended in any period not exceeding seven years consecutively beyond the ordinary current expenses of supporting and maintaining such lighthouse and light in good condition as aforesaid, it shall be lawful for the said trustees to resume the collection of such rates or duties, not exceeding a moiety of the rates or duties so imposed as aforesaid in respect of the said light as shall be approved by the Corporation of Trinity House, until a sum equal to the amount expended over and above the sum of 300*l.* as aforesaid in such rebuilding or extraordinary repairs or alterations as aforesaid shall have been raised, and such rates and duties shall be raised, levied, collected, and recovered in the same manner and by the same ways and means as the rates and duties imposed by the said recited Acts: Provided also, that such rebuilding, extraordinary repairs, and alterations as aforesaid, and the costs and expenses thereof, shall from time to time be first approved of by the said Corporation of Trinity House, and be certified in writing under their seal: Provided always, that one month's notice in some newspaper published in the county of Glamorgan shall from time to time be given by the said trustees of their intention to resume the collection of such rates or duties, so reduced as aforesaid, in respect of the said light, and of the amount of monies intended to be collected, and the purposes for which such monies are required; and that when and as soon as such monies shall be collected a statement of the receipt and appropriation thereof shall be inserted in some newspaper published within the said county.

iv. That if at any time it shall appear to the said Corporation of Trinity House that the said lighthouse is not kept in proper repair, or that a good and sufficient light is not exhibited therein, pursuant to the provisions of this Act or of the said recited Acts, or if complaint shall be made to the said Corporation to that effect by any person or persons interested in the trade of the said Channel or Sea, and possessed of 2,000 tons of shipping therein, and the same shall be proved to the satisfaction of the said Corporation, it shall and may be lawful for the said Corporation (after one month's notice in writing given to the said trustees requiring them to repair such lighthouse, and exhibit such good and sufficient light, and their neglecting to repair and exhibit the same accordingly,) to enter into the possession of the said lighthouse, and to execute, do, and perform all necessary repairs thereto, and exhibit a good and useful light therein for the time and in the manner aforesaid; and the expense of all and every part of such repairs, and of exhibiting and maintaining such light, shall be a charge on and be paid by the said trustees out of the said rates or duties of the harbour of Swansea aforesaid; and the said trustees, and their treasurer, receiver, collector, and comptroller for the time being, and every of them, are and is hereby required to pay the same to the said Corporation out of such rates or duties in preference to all other demands, charges, or incumbrances of what nature or kind soever in any way affecting the same.

v. Provided, That nothing herein contained shall authorize the levy or collection of any dues on His Majesty's ships of war, or on any transport ship or vessel employed in His Majesty's service in the conveyance of any officers or soldiers, or their horses, arms, ammunition, or baggage, or of any ordnance, barrack, or commissariat stores, or to any vessel in the service or employ of the Ordnance, Customs, Excise, or General Post Office departments.

CAP. LXX.

AN ACT to regulate the Salaries of the Officers of the House of Commons, and to abolish the *Sinecure* Offices of Principal Committee Clerks and Clerks of Ingrossments.

(13th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Salary to Speaker.*
2. *Proviso as to present Speaker.*
3. *Salary to Speaker's Secretary.*
4. *Salaries to Clerk, Clerk Assistant, &c.*
5. *Act not to affect persons now holding certain offices.*
6. *Sinecure offices of Committee Clerk and Ingrossing Clerk abolished.*
7. *Saving for the present Clerk Assistant and second Clerk Assistant in case either of them should be promoted.*
8. *Salaries of abolished and regulated offices carried to Fee Fund.*

By this Act,

After noticing an Act, 2 & 3 Will. 4. c. 105, intituled, 'An Act for the better Support of the Dignity of the Speaker of the House of Commons, and for disabling the Speaker of the House of Commons for the Time being from holding any Office or Place of Profit during Pleasure under the Crown'; and an Act, 52 Geo. 3. c. 11, intituled, 'An Act to repeal an Act passed in the Thirty-ninth and Fortieth Years of His present Majesty, for establishing certain Regulations in the Offices of the House of Commons, and to establish other and further Regulations in the said Offices': And that by the said first-recited Act a clear yearly sum of 6,000*l.* was directed to be paid to the Speaker of the House of Commons, and by the said second-recited Act several annual sums were directed to be paid to certain of the officers of the House of Commons: And that it is deemed expedient to reduce the said several annual salaries upon the termination of the existing interests in such offices, and also to make provisions in relation to certain other offices of the House of Commons:—

It is Enacted,

I. That from and after the next election of a Speaker of the House of Commons the net annual salary of 5,000*l.* shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Speaker of the House of Commons, in lieu and instead of the annual sum of 6,000*l.* now payable to the Speaker out of the said fund.

II. Provided, That nothing herein contained shall extend or be construed to extend to affect the present Speaker in the event of his election to that office by any future Parliament or Parliaments.

III. That from and after the determination of the appointment of the person now holding the office of Secretary to the Speaker, the Speaker's Secretary shall have and receive the net annual sum of 500*l.* in lieu and instead of any salary, fees, perquisites, or emoluments whatsoever payable to him in respect of his said office of Speaker's Secretary, and of the office of Secretary to the Commissioners of the Fee Fund of the House of Commons: Provided always, that the said office of Secretary to the Commissioners of the Fee Fund of the House of Commons shall be held in conjunction with the office of Secretary to the Speaker.

IV. That the Clerk of the House of Commons shall have and receive the net annual sum of 2,000*l.*, the Clerk Assistant the net annual sum of 1,500*l.*, the second Clerk Assistant the net annual sum of 1,000*l.*, the Serjeant-at-Arms attending the Speaker of the House of Commons the net annual sum of 1,500*l.*, and the Deputy Serjeant-at-Arms the net annual sum of 800*l.*; which said respective annual sums shall be in lieu and instead of the annual sums granted to those officers by the said recited Act, 52 Geo. 3. c. 11.

V. Provided, That nothing hereinbefore contained shall extend or be construed to extend to affect, alter, diminish, or take away any salary, allowance, perquisite, emolument, or house held, used, or enjoyed by the persons now holding the several and respective offices of Clerk of the House of Commons, Clerk Assistant, second Clerk Assistant, Serjeant and Deputy Serjeant at the time of passing this Act.

VI. That the offices of Principal Committee Clerk and of Clerk of Ingrossments in the House of Commons, now held as sinecure offices, shall be abolished: Provided always, that the Commissioners appointed by the said last-recited Act shall be and they are hereby authorized and empowered to make such compensation out of the fund under their care and management to the present holders of the aforesaid offices as may be consistent with the circumstances of each individual case.

VII. That if the present Clerk Assistant should be promoted to the office of Clerk of the House of Commons, or if the present second Clerk Assistant should succeed to either of the offices of Clerk Assistant or Clerk of the House of Commons, they shall have and receive the same salary as they would respectively have been entitled to under the said recited Act, 52 Geo. 3. c. 11, anything in this Act contained to the contrary notwithstanding.

VIII. That the salaries, fees, perquisites, and emoluments receivable by or on account of the several offices of Speaker's Secretary, Principal Committee Clerks, and Ingrossing Clerks, hereby abolished or regulated, shall be carried to and from a part of the fund under the care and management of the Commissioners for executing the said last-recited Act, which said Commissioners are hereby authorized and directed to pay the net annual sums herein mentioned, and also the compensations hereby authorized to be made, in such and the like manner as they were directed to pay the several sums in the said Act specified.

CAP. LXXI.—IRELAND.

AN ACT to repeal certain Provisions of Two Acts of His Majesty King *George* the Third, affecting the Printers, Publishers, and Proprietors of Newspapers in *Ireland*.

(13th August 1834.)

By this Act,

After noticing that by an Act, 38 Geo. 3. (I.) intituled, 'An Act to amend an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of His present Majesty, intituled, "An Act to secure the Liberty of the Press by preventing the Abuses arising from the Publication of traitorous, seditious, false, and scandalous Libels by Persons unknown,"' it is amongst other things enacted, that if any printer, publisher, or proprietor, or printers, publishers, or proprietors of any newspaper, intelligence, or occurrences, or any paper serving the purposes of a newspaper, intelligence, or occurrences, shall have become and be found a lunatic or *non compos mentis*, or shall become and be found bankrupt, or shall be outlawed for any crime, or shall be found guilty and receive judgment for printing or publishing any traitorous, scandalous, false, or seditious libel, or shall be charged by indictment or information with having published a traitorous, scandalous, false, or seditious libel, and shall not within six days after a copy of such indictment or information shall be served upon such printer, publisher, or proprietor, or at the house or place of printing or publishing the paper in which the newspaper containing such libel shall be printed, surrender himself, herself, or themselves to take his, her, or their trial at the then next commission of Oyer and Terminer, Quarter Sessions of the Peace, or Assizes, for the city or county where he, she, or they shall be indicted as aforesaid, or where such information as aforesaid is to be tried, every printer and publisher so neglecting shall from thenceforth be disabled to be the printer, publisher, or proprietor of any newspaper, intelligence, or occurrences, and the Commissioners of Stamp Duties are thereby required to refuse to deliver to such person or persons stamped paper for the purpose of printing a newspaper; and that by an Act, 55 Geo. 3. c. 80, intituled, 'An Act to provide for the Collection and Management of Stamp Duties on Pamphlets, Almanacks, and Newspapers in *Ireland*,' it is also amongst other things enacted, that if any printer, publisher, or proprietor of any newspaper in *Ireland* shall be by due course of law outlawed for any criminal offence, or receive judgment for printing or publishing a traitorous or seditious libel, the said Commissioners of Stamps in *Ireland* and their officers respectively are thereby prohibited to

sell or deliver to or for the use of any such printer, publisher, or proprietor so outlawed, or who shall have so received judgment for such libel, any stamped paper for printing any newspaper; and it is also further enacted, that if any printer, publisher, or proprietor of any newspaper which shall be at any time published in Ireland shall have become a bankrupt or *non compos mentis*, or shall be outlawed for any crime, or shall receive judgment for printing or publishing any traitorous or seditious libel, then and in every such case such printer or printers, publisher or publishers, proprietor or proprietors respectively shall no longer be entitled to print or publish such newspaper, but shall as to any such right be considered from thenceforth as if he, she, or they never had made such affidavit as in the said last-recited Act is mentioned: And that it is expedient to repeal the said recited enactments:—

It is Enacted,

That from and after the passing of this Act so much of the said respective Acts as is hereinbefore recited shall be and the same is hereby repealed.

CAP. LXXII.

AN ACT to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Empowering the Commissioners of the Treasury to issue Exchequer bills to the amount of 1,000,000*l*.
2. Powers of 48 Geo. 3. c. 1. to extend to this Act.
3. Bills to bear an interest of 2*d*. per cent. per diem.
4. Bills when payable to pass current;—but not to be received in payment of taxes before the day appointed for their payment.
5. Exchequer bills to be payable within one year from date, with interest.
6. Officers of the Exchequer not to receive any fees other than allowed by Treasury.
7. Commissioners appointed under recited Acts to be Commissioners under this Act.
8. Commissioners to take an oath.
9. Manner of advancing bills by Commissioners.—Bills issued not to exceed amount directed by this and recited Acts.
10. Lists of Exchequer bills issued to be delivered to Commissioners.
11. Clauses, powers, &c. respecting advances and accounts made under recited Acts to extend to advances made by Commissioners under this Act.
12. Further advances may be made on unfinished works, on mortgage of such works, or other security.

By this Act,

After noticing several Acts passed 57 Geo. 3. c. 34, 57 Geo. 3. c. 124, 1 Geo. 4. c. 60, 1 & 2 Geo. 4. c. 111, 3 Geo. 4. c. 86, 4 Geo. 4. c. 63, 5 Geo. 4. c. 36, 5 Geo. 4. c. 77, 6 Geo. 4. c. 35, 7 Geo. 4. c. 30, 7 & 8 Geo. 4. c. 12, 7 & 8 Geo. 4. c. 47, 1 & 2 Will. 4. c. 24, 3 & 4 Will. 4. c. 32, and that sundry advances have been made by the Commissioners appointed by the said recited Acts, and applications have been made and are by the several Acts authorized to be made to the said Commissioners for other advances which the funds remaining at their disposal are insufficient to meet, and it is therefore expedient that a further advance of Exchequer bills should be placed at the disposal of the said Commissioners for the like purposes, and subject to the like terms and conditions, mentioned in the said recited Acts or any of them, or in any Act or Acts having reference thereto, except so far as such terms and conditions may be altered or extended by this Act:—

It is Enacted,

1. That the King, by warrant or warrants under his royal sign manual, may authorize the Commissioners of His Majesty's Treasury of the United Kingdom now or for the time being, or any three or more of them, or the Lord High Treasurer of the United Kingdom for the time being, to cause or direct any number of Exchequer bills to be made out at His Majesty's Exchequer in Great Britain, not exceeding in the whole the sum of 1,000,000*l*., in the like manner, form, and order, and according to the like rules and directions (except where other directions for making out the same are contained and particularly expressed in this Act), as in and by 48 Geo. 3. c. 1, intituled, 'An Act for regulating the issuing and paying off Exchequer Bills,' are enacted and prescribed.

2. That all the powers, authorities, regulations, clauses, provisos, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited Act, 48 Geo. 3, shall be applied and extended to the Exchequer bills to be made in pursuance of this Act, as fully and effectually to all intents and purposes as if the said several clauses or provisos had been particularly specified and re-enacted in the body of this Act.

3. That the said Exchequer bills to be made in pursuance of this Act shall bear an interest not exceeding the rate of 2*d*. per diem per cent., and shall be made payable at the period hereinafter mentioned.

4. Provided, That the Exchequer bills to be made out by virtue of this Act, or so many of them as shall from time to time remain due and unpaid, and uncanceled after the respective days on which they shall become due and payable, shall after that

time pass and be current to all receivers and collectors of the Customs, Excise, or any revenue, supply, aid, or tax whatsoever due or payable to His Majesty, his heirs or successors, and also at the receipt of Exchequer in Great Britain for the said receivers or collectors; but no such receiver or collector shall exchange at any time before the said day of payment thereof for any money of such revenues, aid, taxes, or supplies in his hands any Exchequer bills which shall have been issued as aforesaid by virtue of this Act, nor shall any action be maintained against any such receiver or collector for neglecting or refusing to exchange any such Exchequer bill for ready money before the said day of payment thereof, anything in this Act to the contrary notwithstanding; and that such of the same bills as shall be received at the said receipt of Exchequer shall be locked up and secured as cash according to the course of the said Exchequer settled and established by law for locking up and securing monies received in specie there.

v. That from and after the passing of this Act all Exchequer bills which at any time after the passing of this Act shall be made out and issued in pursuance of either of the said recited Acts or this Act, and advanced for any of the purposes mentioned in the said recited Acts or any of them, or in this Act, shall be made payable within one year from the date thereof respectively; and that the principal sum mentioned in every such bill, together with the interest thereon at the rate aforesaid, to be computed from the day of the date of such bills respectively until the time of payment thereof, shall be chargeable on some part of the aids or supplies for the year next succeeding the day of the date of the said bills respectively.

vi. That no officer or other person employed in and about the execution of the said recited Acts and this Act in the receipt of His Majesty's Exchequer in Great Britain shall demand, take, or accept any fee or gratuity whatsoever for their care and labour therein, other than such salaries, allowances, rewards, or emoluments as shall or may be granted to or be allowed to be taken by them respectively under the authority of the said Commissioners of His Majesty's Treasury, or any three or more of them, or the Lord High Treasurer, for the time being.

vii. That the several persons who in and by the said recited Acts or any of them are constituted Commissioners for the execution of the said Acts, or so many of them as shall be living at the time of the passing of this Act, shall be and they are hereby constituted Commissioners for the execution of the said recited Acts and this Act; and all acts authorised by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any three or more of them.

viii. Commissioners to take an oath for faithful discharge of duty.

ix. That when the Commissioners for the execution of the said recited Acts and this Act shall have determined upon any amount of Exchequer bills to be advanced under the provisions of the said recited Acts or any of them, or this Act, the said Commissioners, or any three or more of them, shall forthwith certify such amount to the Auditor of the Exchequer at Westminster for the time being, who, on such certificate or certificates being deposited in his office, shall cause and direct to be delivered to the bearer or bearers thereof Exchequer bills payable at the period before mentioned, and to such amount as the said Commissioners shall direct; provided the total amount to be issued by virtue of such certificates shall not at any time exceed the amount of such Exchequer bills directed to be issued under the said recited Acts and this Act; and every such Exchequer bill shall bear date on the day on which the said certificates shall appoint and direct, and shall and may be signed by the Auditor of the Exchequer, or in his name by any person duly authorized by the said Auditor to sign the same.

x. That the officers by whom such Exchequer bills shall be delivered shall from time to time, upon requisition of the said Commissioners for the execution of the said recited Acts and this Act, to them, at their office, give complete lists of all the Exchequer bills made out and delivered by them, specifying therein the respective days and sums expressed therein, and the period appointed for the payment of the same, and distinguishing therein the persons to whom and the numbers of the certificates by virtue whereof the same were issued respectively.

xi. That all the clauses, powers, provisos, directions, regulations, authorities, restrictions, privileges, priorities, advantages, penalties, and forfeitures contained in the said recited Acts or any of them in relation to any advances made or to be made under the said recited Acts or any of them, or for the recovery, repayment, and application of such advances after repayment, and the accounts to be kept in relation thereto, shall extend and are hereby extended and made applicable to the said Commissioners, and all other persons, parties, bodies politic or corporate, in respect to all advances which shall be made by the said Commissioners, and all acts done or directed by the Lords Commissioners of His Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, under the authority of the said recited Acts and this Act, and the recovery, repayment, and application of such advances, and of all accounts in respect of the same, in such and the like manner, to all intents, constructions, and purposes whatsoever, as if such clauses, powers, provisos, directions, regulations, authorities, restrictions, privileges, priorities, advantages, penalties, and forfeitures had been particularly and severally repeated and re-enacted in the body of this Act, except only so far as the same are amended or altered by this Act.

And after reciting that in some cases advances have been made by the said Commissioners towards the completion of public works which yet remain unfinished in consequence of the expense of completing the same having, from unforeseen circumstances, exceeded the sum estimated for the completion thereof, and the capital provided for such completion at the time of the application for such advances, and it is expedient, for the security of the money already expended and advanced on such unfinished works, that in addition to the powers and remedies provided by the said recited Acts, or some or one of them, for making calls on the proprietors or shareholders of such unfinished works or undertakings under the circumstances aforesaid, that the said Commissioners should have authority, if they should think fit, to make advances in anticipation of such calls, or on the security of a further mortgage of such unfinished works, with a view to the completion thereof:—

It is Enacted,

xii. That in all cases in which the said Commissioners have made or shall hereafter make advances, under the powers of the said recited Acts or this Act, for any incomplete work or undertaking, which shall, after the expenditure of such advances and the capital provided for the same, remain unfinished in consequence of the expense of perfecting the same exceeding the sum estimated for the completion thereof at the time of the application for such advance, it shall be lawful for the said Commis-

sioners to make any further advance for or towards the completion of any such incomplete work, either in anticipation of the calls to which the proprietors or shareholders of such work shall be liable under the provisions of the said recited Acts or either of them, or on the security of further mortgages of the same works, or upon such other security, and upon such terms and conditions as to the periods of repayment or otherwise, as the said Commissioners may direct or appoint; and that such further mortgages and other securities shall be entitled to such and the like priority, privileges, and advantages as any mortgage or other security which may have been previously granted to the said Commissioners on such unfinished work; anything contained in any Act or Acts relating to such works, or restricting the amount of capital to be raised by shares, mortgage, or otherwise, on account thereof, or in any of the said recited Acts or this Act, to the contrary notwithstanding.

CAP. LXXIII.

AN ACT to grant Relief from the Duties of Assessed Taxes in certain Cases.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Exemptions granted on assessments made after 5th of April 1834.*
2. *Farmhouses belonging to farms under 200l. a year exempted from the duties on windows.*
3. *Exemption in respect of male servants under eighteen years of age.*
4. *Roman Catholic clergymen exempted from the additional duties granted in respect of bachelors' servants.*
5. *Clergymen and Dissenting Ministers, whose incomes are under 120l. a year exempted from the duty on one riding horse.*
6. *Repeal of the exemption granted by 11 Geo. 4. and 1 Will. 4. c. 35, to occupiers of farms under 200l. a year for the duty on one horse occasionally used for riding.—Exemption granted in lieu thereof to the occupiers of farms under 500l. a year.*
7. *Exemption in respect of husbandry horses and mules occasionally used for other purposes of draught, or let to draw for hire.*
8. *Licensed postmasters allowed to use their post horses in husbandry, and in drawing manure, fodder, &c. without being liable to duty.*
9. *Exemption in respect of horses rode by bailiffs, shepherds, and herdsmen.*
10. *Exemption in respect of dogs kept for the care of sheep.*
11. *Exemptions to be claimed in the manner directed by 43 Geo. 3. c. 161. s. 36.*
12. *Servants, horses, and dogs wholly exempted from duty not to be reckoned for the purpose of assessing the progressive duties in respect of other servants, &c. kept by the same person.*

By this Act,

After reciting that it is expedient to grant relief from certain of the duties of assessed taxes in the several cases hereinafter particularly mentioned:—

It is Enacted,

I. That upon all assessments made or to be made for any year commencing after the 5th of April 1834, the exemptions from the duties of assessed taxes in the several cases hereinafter particularly mentioned shall be granted and allowed on the terms and conditions hereinafter specified.

II. That every dwelling-house, being a farmhouse *bona fide* used for the purposes of husbandry only, and occupied by the tenant of a farm at rack-rent the rent of which farm shall be less than 200l. a year, or occupied by any person who shall be the occupier of any estate on any other tenure than as tenant at rack-rent solely, or by the occupier of such estate as last mentioned who shall also be the occupier of a farm at rack-rent the value of which in the whole shall be less than equivalent to a farm at the rack-rent of 200l. a year, (reckoning the value of every estate occupied by the owner thereof, or on any other tenure than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent,) shall be exempt from the duties on windows or lights granted by an Act, 48 Geo. 3, and specified in the Schedule marked (A.) thereto annexed; provided the occupier of such dwelling-house shall not derive any profit or income exceeding 100l. a year from any other source than the said farm or estate so occupied by him as aforesaid.

III. That the duties granted by the said Act, 48 Geo. 3, and by another Act, 52 Geo. 3, for or in respect of male servants or persons retained or employed in the several capacities mentioned in Schedule (C.) Nos. 1. 3. and 4. to the said Acts respectively annexed, shall cease to be paid or payable for or in respect of any male servant or person retained or employed by any person residing in the parish or place in which such male servant or person shall have a legal settlement; provided such male servant or person shall not have attained the age of eighteen years before the 6th of April in the year for which any such assessment shall be made; and provided such exemption shall be duly claimed in the manner hereinafter directed.

And after noticing that by the said Acts, 48 and 52 Geo. 3, certain further duties over and above the other duties therein mentioned are granted and made payable for every male servant retained or employed in any of the capacities mentioned in Schedule (C.) No. 1, to the said Acts respectively annexed, by any male person never having been married:—

It is Enacted,

IV. That the said further or additional duties so granted and made payable as aforesaid by reason or on account of the person retaining or employing any such male servant never having been married shall cease to be paid or payable for or in respect of any male servant retained or employed by any priest of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law; provided such priest shall duly return a list of all such servants retained or employed by him, and shall add the Letter B. to the signature of his name to every such list, in like manner as other persons never having been married are required by the laws in force to denote the same by adding the said Letter B. to their signatures to such lists as aforesaid; and provided such exemption shall be duly claimed in the manner hereinafter directed.

V. That any rector, vicar, or curate actually doing duty in the church or chapel of which he is rector, vicar, or curate, (except such person who shall occasionally perform the duty appertaining to any rector, vicar, or curate, without being the regular officiating minister of the parish or place in which such duty shall be performed,) and any priest of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law, and any teacher or preacher of any separate congregation of Protestant Dissenters whose place of meeting shall have been duly registered, such teacher or preacher having duly taken and subscribed the oaths and declaration required by law, and not following any secular occupation except that of a schoolmaster, shall respectively be exempt from the duties granted by any Act or Acts relating to the duties of assessed taxes for one horse, mare, gelding, or mule kept or used for the purpose of riding or of drawing any carriage not chargeable with duty; provided the person claiming such exemption shall not be possessed of an income of 120*l.* *per annum* or upwards, whether arising from ecclesiastical preferment or otherwise, and shall not keep more than one horse, mare, gelding, or mule, which otherwise would be chargeable with duty under the said Acts; and provided also, that such exemption shall be duly claimed in the manner hereinafter directed.

VI. That so much of an Act, 1 Will. 4. c. 35, intituled, 'An Act to continue Compositions for Assessed Taxes for a further Term of One Year, and to grant Relief from and alter and repeal the said Duties in certain Cases,' as grants any exemption from duty in respect of one horse, mare, or gelding retained and usually employed by any person for the purpose of husbandry on the farm or estate occupied by him or her, although occasionally used for the purpose of riding, where such farm shall be of less value than 200*l.* *per annum*, shall be and the same is hereby repealed; and in lieu of the said exemption so repealed, there shall be granted and allowed the following exemption, (that is to say,) every person occupying a farm or estate which shall be of less value than 500*l.* a year, estimated in the manner hereinbefore directed with regard to the exemption from the duties on windows and light, shall be exempt from the duties granted by any Act or Acts relating to the duties of assessed taxes for one horse, mare, gelding, or mule kept and used for the purpose of riding, or of drawing any carriage not chargeable with duty; provided the occupier of such estate or farm shall not keep more than one such horse, mare, gelding, or mule which otherwise would be chargeable with duty under the said Acts, and shall not derive any profit or income exceeding 100*l.* a year from any other source than the said estate or farm so occupied by him as aforesaid; and provided such exemption shall be duly claimed in the manner hereinafter directed.

VII. That any person shall be exempt from the duties granted by any Act or Acts relating to the duties of assessed taxes for any horses, mares, geldings, or mules *bond fide* kept and usually employed for the purpose of husbandry, although such horses, mares, geldings, or mules shall be occasionally used for other purposes in drawing burthens, and although such horses, mares, geldings, or mules shall be occasionally used by such person or let by him for the purpose of drawing for hire or profit; provided such horses, mares, geldings, or mules shall not be used for drawing any carriage chargeable with duty.

And after reciting that by the said Act, 52 Geo. 3, any postmaster, innkeeper, or other person licensed for that purpose by the Commissioners appointed to manage the duties charged on stamped vellum, parchment, and paper, is exempted from the duties granted by the said Act in respect of any horse, mare, or gelding let to hire by him or her; provided that such horse, mare, or gelding shall in every case be *bond fide* let to hire by him or her in such manner that the Stamp Office duty shall be payable on such horses let to hire on each letting, and shall be accounted for by delivery of the ticket denoting the Stamp Office duty payable, and be duly satisfied and paid on each letting according to the directions of the Act or Acts granting such stamp duty, without making composition for the same; and provided that such horse, mare, or gelding shall not on any occasion be used by such licensed person, or any other, without such letting to hire and payment of stamp duty as aforesaid:—

It is Enacted,

VIII. That no such postmaster, innkeeper, or other person licensed as aforesaid shall be chargeable with any duty under any Act or Acts relating to the duties of assessed taxes in respect of any horse, mare, or gelding *bond fide* kept for the purpose of being let to hire in manner aforesaid, by reason of such horse, mare, or gelding being also used by him or her for the purpose of husbandry, or for the purpose of drawing fuel to his or her dwelling house, or of drawing manure, or hay, straw, corn, or any description of fodder, to or from the stables or premises of such postmaster or innkeeper or person licensed as aforesaid.

IX. That any person shall be exempt from the duties granted by any Act or Acts relating to the duties of assessed taxes in respect of one horse, mare, gelding, or mule, *bond fide* kept for and usually employed by any bailiff upon the concerns of any farm or farms with which such bailiff may be entrusted, and also in respect of one horse, mare, gelding, or mule *bond fide* kept for and employed by any shepherd or herdsman solely in tending sheep or cattle; provided the several exemptions last-mentioned shall respectively be claimed in the manner hereinafter directed.

X. That any person shall be exempt from the duty granted by the said several Acts in respect of any dog or dogs *bond fide* kept and wholly kept and used in the care of sheep or cattle; provided no such dog shall be a greyhound, hound, pointer, setting dog, spaniel, lurcher, or terrier: and provided such exemption shall be duly claimed in the manner hereinafter directed.

XI. Provided, That in the several cases of exemption granted by this Act in respect of any of the duties on male servant on horses, mares, geldings, or mules, and on dogs, where such exemption is directed by this Act to be claimed, all such servants, horses, mares, geldings, or mules, and dogs, respectively, shall be duly returned to the assessor; and every such exemption shall be claimed by the party seeking the benefit thereof in the manner directed by an Act, 43 Geo. 3, with regard

other exemptions from the duties of assessed taxes; and no such exemption shall be allowed unless the same and the cause thereof shall be duly returned to the assessor in the manner directed by the said Act.

XII. That whosoever, under or by virtue of this Act, or of any other Act or Acts relating to the duties of assessed taxes, any person is or shall be wholly exempted from duty in respect of any male servant, or any horse, mare, or gelding, or any dog, respectively retained or employed or kept by him, such male servant, or such horse, mare, or gelding, or dog, shall not be counted or reckoned for the purpose of assessing or increasing the progressive or other duties payable by such person in respect of any other male servants, or horses, mares, or geldings, or dogs, respectively retained or employed or kept by him, but that all such last-mentioned duties shall be assessed and charged on such person without reference to the male servant, horse, mare, or gelding, or dog, in respect of which such total exemption from duty as aforesaid shall be duly allowed.

CAP. LXXIV.

AN ACT to continue until the Fifth Day of *March* One thousand eight hundred and thirty-five, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*.

(14th August 1834.)

By this Act,

After reciting an Act, 54 Geo. 3. c. 137, intituled, 'An Act for rendering the Payment of Creditors more equal and expeditious in Scotland,' which Act was to continue for seven years from the 25th of July 1814, and from thence to the end of the then next session of Parliament, and was continued by several Acts, 3, 4, 6, 7, 8, and 10 Geo. 4, and 1 Will. 4, and was also, by an Act, 2 Will. 4, continued until the 5th of March 1833, and from thence to the end of the then next session of Parliament: And that it is expedient that the said Act should be continued for a further term:—

It is Enacted,

I. That the said Act, 54 Geo. 3, for rendering the payment of creditors more equal and expeditious in Scotland, shall be and the same is hereby further continued until the 5th of March 1835, and from thence to the end of the then next session of Parliament.

II. That this Act and the said recited Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXV.

AN ACT to repeal the Duties on Spirits made in *Ireland*, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. From and after the 1st of September 1834 duties on spirits made in or warehoused in *Ireland* repealed.
2. New duties in lieu of duties repealed.
3. Duties now granted to be raised and levied in the same manner as former duties.
4. Spirits may be removed from warehouse in Scotland to *Ireland*, and when taken out for consumption to be charged with a duty of 2s. 4d. per gallon.
5. Removal of spirits from *Ireland* to Scotland to be made under same regulations as spirits are removed from *Ireland* or Scotland to England.
6. Repeyment of malt allowance not required on spirits removed.
7. Additional duties on licences for retailing spirits.
8. Spirit licences of grocers in *Ireland* not to be affected.
9. All houses licensed at the passing of this Act to continue to be deemed of the same value so long as the present persons hold them, and the premises remain unaltered;—afterwards, the annual value shall be ascertained by the means prescribed by recited Act of 6 Geo. 4.
10. Licences under 9 Geo. 4. c. 47, for the sale of excisable commodities on board passage vessels may be granted by Commissioners of Excise or their authorized officer.
11. Act may be altered this session.

By this Act,

After reciting that it is expedient to repeal the duties payable in respect of spirits made or distilled in or warehoused in *Ireland*, and to impose other duties in lieu thereof, and to impose additional duties on licences to be taken out by retailers of spirits in the United Kingdom:—

It is Enacted,

I. That from and after the 1st of September 1834 all the duties of Excise on spirits made in or warehoused in Ireland shall cease and determine, and be no longer paid or payable, save and except in all cases relating to the suing for, levying, and recovering of any arrear thereof, or any fine, penalty, or forfeiture which shall have been incurred before the said 1st of September 1834.

II. That from and after the said 1st of September 1834, in lieu of the said duties of Excise so by this Act repealed, there shall be raised, levied, and collected and paid the duties of Excise following; (that is to say,)

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which shall be made or distilled in Ireland, or which shall be warehoused in Ireland, and taken out for Consumption, the Sum of 2s. 4d. and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity :

For and upon every Gallon of Spirits of such Strength as aforesaid which shall be made or distilled in Ireland, and which shall be or shall have been warehoused there free of Duty, and which shall be taken out of Warehouse for Removal into Scotland for Consumption, the Sum of 3s. 4d., and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity :

For and upon every Gallon of the like Spirits which shall be taken out of Warehouse for Removal to England for Consumption, the Sum of 7s. 6d., and so in proportion for any greater or less Degree of Strength, or any greater or less Quantity.

III. That the said duties of Excise hereby imposed shall be respectively raised, levied, collected, recovered, accounted for, and paid in such and the like manner, and in and by any or either of the general or special ways, means, or methods by which the former duties of Excise hereby repealed were or might have been raised, levied, collected, recovered, accounted for, and paid; and every pain, penalty, fine, and forfeiture for any offence whatever committed against or in breach of any Act or Acts, on and immediately before the passing of this Act, and for securing the revenue of Excise or other duties under the management of the Commissioners of Excise respectively, or for the regulation or improvement thereof, and the several clauses, powers, and directions therein contained, shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the said duties of Excise hereby charged, in as full and ample a manner to all intents and purposes as if all and every the said Acts, clauses, provisions, powers, directions, pains, penalties, and forfeitures were particularly repeated and re-enacted in this Act.

And after reciting that by reason of the repeal of the duties of Excise now payable on spirits made or distilled in Ireland, and the imposition of the other duties of Excise in lieu thereof, the duties on spirits made or distilled in or warehoused in Ireland will be of a less amount than the duties of Excise payable in Scotland on spirits made or distilled in Scotland, and it is therefore requisite to provide regulations for the removal of spirits from Scotland into Ireland, and from Ireland into Scotland :—

It is Enacted,

IV. That from and after the said 1st of September 1834 it shall be lawful to remove any spirits from any warehouse in which the same may be warehoused in Scotland to any warehouse approved of by the Commissioners of Excise in Ireland, under the same regulations and in the same manner as may now be done by law; and all such spirits so removed and warehoused in Ireland shall, when taken out of warehouse for consumption in Ireland, be charged with the said duty of 2s. 4d. per gallon.

V. That all spirits shall be removed from Ireland into Scotland under the rules, regulations, restrictions, and provisions for removing spirits from Scotland or Ireland into England contained in an Act, 6 Geo. 4. c. 80, intituled, 'An Act to repeal the Duties payable in respect of Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation,' respect being had to the different amount of duty which shall be payable in Scotland; and all enactments, provisions, restrictions, rules, and regulations in the said Act contained regulating the removal of spirits from Scotland or Ireland into England, together with all pains, penalties, fines, and forfeitures relating thereto, shall be in full force and effect, and be applied and enforced with respect to the removal of spirits from Ireland to Scotland, reference being had to the different amount of duty, as fully and effectually as if the same were repeated and re-enacted in this Act.

VI. Provided, That nothing herein contained shall extend or be deemed or construed to extend to require the repayment of any malt allowance on any spirits distilled from malt only which may be removed from Scotland to Ireland or from Ireland to Scotland.

VII. That there shall be raised, levied, collected, and paid throughout the United Kingdom the additional rates and duties of Excise following; (that is to say,)

Upon every Excise Licence to be taken out after the 10th of October 1834 by any Retailer of Spirits in Great Britain and Ireland, if the Dwelling House in which such Retailer shall reside or retail such Spirits shall not, together with the office and premises therewith occupied, be rented or valued at a rent of 10*l.* per Annum or upwards, an additional duty of 1*l.* 1*s.* If the same shall be rented or valued as aforesaid at 10*l.* per Annum or upwards, and under 20*l.*, 2*s.* 2*d.*

If at 20*l.* and under 25*l.*, 3*s.* 3*d.*

If at 25*l.* and under 30*l.*, 3*s.* 13*d.* 6*d.*

If at 30*l.* and under 40*l.*, 4*s.* 4*d.*

If at 40*l.* and under 50*l.*, 4*s.* 14*s.* 6*d.*

If at 50*l.* per Annum or upwards, 5*s.* 5*s.*

And all such additional duties shall be raised, levied, collected, recovered, accounted for, and paid in the same manner, and under the same provisions, enactments, pains, penalties, and forfeitures, as the duties granted and imposed by an Act, 6 Geo. 4.

c. 81, intituled, 'An Act to repeal several Duties payable on Excise Licences in Great Britain and Ireland, and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences,' are raised, levied, collected, recovered, accounted for, and paid.

VIII. Provided, That nothing herein contained shall extend to impose any additional duty on any licence to retail spirits to be taken out by any person in Ireland duly licensed to trade in, vend, and sell coffee, tea, cocoa nuts, chocolate, or pepper, and not selling spirits to be consumed in the house or premises of such retailer.

And after reciting that by the said hereinbefore mentioned Act, 6 Geo. 4, the rates of duty on Excise licences taken out by retailers of beer, having the authority of Justices of Peace to keep a common inn, alehouse, or victualling house, and of spirits, in Great Britain, were fixed and ascertained by the rent or value at which the house and premises occupied or used by such retailers were rated under the authority of any Act or Acts of Parliament for granting duties on inhabited houses, and by an Act passed in this present session of Parliament the said duties on inhabited houses are repealed, whereby it has become necessary to make provision for ascertaining the rent or value of houses and premises in respect of which such licences shall hereafter be taken out:—

It is Enacted,

IX. That every house and premises in respect of which any person shall be licensed as such retailer of beer or spirits at the time of the passing of this Act shall continue to be deemed of the same rent or value at which the same was assessed, and in respect of which the licence duty was paid on the last taking out or renewal of the licences by such person, so long as such person shall continue to hold the same, and to renew his licences in respect thereof, and so long as such house and premises shall remain unaltered; and in case of any such person quitting such house and premises, or of any alteration therein, and in all cases hereafter in which any such licence or licences shall be applied for in respect of any house or premises not licensed at the passing of this Act, the rent or annual value of the house and premises in respect of which such licence or licences shall be applied for shall be ascertained in the manner and by the means and method prescribed by the said Act, 6 Geo. 4, where houses and premises were not so rated to the duty on inhabited houses; and the rates of licence duty shall be fixed and paid in conformity thereto according to the amount of duty by the said recited Act and this Act imposed.

And after reciting an Act, 9 Geo. 4. c. 47, for regulating the retail of exciseable articles and commodities to passengers on board of passage vessels from one part to another of the United Kingdom, and that by an omission in the said Act no power is given to any officer of Excise, or any other persons than the Commissioners of Excise, to grant the licences thereby authorized to be granted, whereby great inconvenience and delay is occasioned to persons desirous of obtaining such licences; for remedy whereof—

It is Enacted,

X. That all licences to be granted under the said Act, or any other Act relating to the revenue of Excise, may be granted by the Commissioners of Excise, or by any officer or officers of Excise who shall be authorized by the Commissioners of Excise to grant the same, and all licences granted by any officer or officers so authorized shall be good, valid, and effectual; anything in any Act contained to the contrary notwithstanding.

XI. That this Act may be altered, repealed, or varied by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXVI.

AN ACT for the Amendment and better Administration of the Laws relating to the Poor in *England and Wales*.

(14th August 1834.)

[The above Statute having been printed separately, for early publication, is to be placed at the end, as an APPENDIX—*which see*].

CAP. LXXVII.

AN ACT for repealing the Duties on Starch, Stone Bottles, Sweets or Made Wines, Mead or Metheglin, and on Scaleboard made from Wood.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. From 10th of October 1834, duties, allowances, and drawbacks on starch to cease and determine.—*Proviso for arrears.*
2. Regulations for removing starch from Ireland until the 10th of April 1835.
3. Persons claiming allowances of duties on starch used in manufactures to make oath that the starch was used before the 10th of October 1834.

4. *Starch not intended to be sent into consumption until after the 10th of October 1834 may be made and stored duty free.*
5. *If any starch stored duty free shall be sent into consumption prior to the 10th of October 1834 (except to a maker of stone blue), or the regulations shall not be complied with, the maker to be charged and pay duty on all the starch made by him.*
6. *To allow makers of stone blue to receive starch duty free before the 10th of October 1834.*
7. *Laws relating to makers of stone blue and hair powder repealed.*
8. *Duties and drawbacks on stone bottles to cease.*
9. *Duties and drawbacks on sweets, mead or metheglin and scaleboard made from wood, repealed.*
10. *Licences on retailers of sweets not to be affected.*
11. *Persons selling sweets or metheglin in any less quantity than fifteen gallons to be deemed retailers.*
12. *Act may be altered this session.*

By this Act,

After reciting that by an Act, 43 Geo. 3. c. 69, for repealing the duties of Excise payable in Great Britain and granting other duties in lieu thereof, certain duties of Excise were granted and imposed on all starch of what kind soever made in Great Britain, and certain drawbacks were made payable on the exportation of starch: And that by certain other Acts the same duties are imposed on all starch or hair powder of what kind soever imported from Ireland into Great Britain, and the like drawbacks are granted on all starch removed from Great Britain into Ireland, and certain allowances are made on all starch made in Great Britain or made in Ireland and imported into Great Britain, which shall be consumed in Great Britain in preparing and finishing any manufactures from flax or cotton for sale or in finishing new linen in the piece for sale: And that by an Act, 57 Geo. 3. c. 32, for repealing the duties of Excise on stone bottles, and charging other duties in lieu thereof, certain duties of Excise were granted and imposed on stone bottles not exceeding two quarts measure, made in Great Britain or made in Ireland and imported from thence, and on stone bottles imported from any other place beyond the seas into Great Britain; and certain drawbacks were made payable on the exportation of stone bottles: And that by an Act, 6 Geo. 4. c. 37, to provide for the future assimilation of the duties of Excise upon sweets or made wines, upon mead or metheglin, upon cyder and perry, in Great Britain and Ireland, and to continue the duty of Excise on sweets or made wines in Great Britain until the 5th of January 1826, certain duties of Excise were granted and imposed on all liquor which should be made in any part of the United Kingdom of Great Britain and Ireland for sale, by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit and sugar mixed with other ingredients or materials whatsoever, commonly called sweets or made wines, and on mead and metheglin made in any part of the United Kingdom of Great Britain and Ireland: And that by the said Act, 43 Geo. 3. c. 69, for repealing the duties of Excise payable in Great Britain, and granting other duties in lieu thereof, certain duties of Excise were granted and imposed on scaleboard made in Great Britain, and certain drawbacks were made payable on the exportation of scaleboard; and by an Act, 5 Geo. 4. c. 55, to assimilate the duties and drawbacks on hides, skins, leather, parchment, paper and paperhangings, manufactured in Ireland, to the duties and drawbacks payable in Great Britain, and to equalize the measures and weights whereby the duties of Excise and Customs should be payable throughout the United Kingdom, the like duties and drawbacks were granted and imposed and made payable on scaleboard made in Ireland, and on the exportation of scaleboard: And that by an Act, 6 Geo. 4. c. 81, for repealing the several duties payable on Excise licences in Great Britain and Ireland, and imposing other duties in lieu thereof, and for amending the laws for granting Excise licences, certain duties of Excise were imposed on licences thereby required to be taken out by makers of starch, sweets, and scaleboard: And that it is expedient that all the said duties, drawbacks, and allowances on starch, and the said duties and drawbacks on stone bottles, and the said duties on sweets or made wines, and on mead or metheglin, and the duties and drawbacks on scaleboard made from wood, should cease and determine:—

It is Enacted,

1. That from and after the 10th of October 1834 all and singular the duties and allowances of Excise now payable on starch made in Great Britain, and all duties on licences required to be taken out by any maker of starch in Great Britain and Ireland, and all drawbacks of Excise on starch exported to foreign parts or removed from Great Britain into Ireland, shall be repealed, cease, and determine, and be no longer paid or payable: Provided always, that any of the said duties which shall have been charged or been incurred, or any arrears thereof, and any fine, penalty, or forfeiture which shall have been incurred before the said 10th of October 1834, and all allowances on any starch which shall have been employed or consumed on or before the said 10th of October 1834 in preparing or finishing any manufacture from flax or cotton for sale, or in finishing new linen in the piece for sale, and the payment of any drawback which shall be payable in respect of the exportation or removal of any starch on or before the said 10th of October 1834, shall and may be sued for, levied, recovered, and paid, as if this Act had not been passed.

And for preventing injury to the revenue by persons removing large quantities of starch to Ireland on drawback, and bringing back the same to Great Britain after the duties on starch shall cease and determine:—

It is Enacted,

II. That from and after the said 10th of October 1834 until the 10th of April 1835 all starch which shall be removed from Ireland into Great Britain shall be accompanied by a certificate, granted and signed by the maker thereof, which certificate shall set forth and specify the quantity and description of the starch and the packages in which the same shall be contained, and that the said starch was *bona fide* made in Ireland by such maker at his starch manufactory, the situation whereof shall also be stated, and the person accompanying such starch on the removal thereof, or to whom the same shall be consigned in Great Britain, or his agent, at the port of arrival, shall produce such certificate to the proper officers of Customs and Excise at such port, and shall also make and sign a declaration on such certificate that to the best of his knowledge and belief the starch therein specified was really made in Ireland and is not nor is any part of it British starch which had been removed to Ireland on drawback; and if before the said 10th of April 1835 any starch shall be found on board any vessel in Ireland for removal to Great Britain, or shall be brought into any port or place in Great Britain, unaccompanied by such certificate, or if on arrival of the

same in Great Britain the person accompanying the same, or the consignee thereof, or his agent, shall not deliver such certificate, or shall not make such declaration as aforesaid, all such starch shall be forfeited; and if any maker of starch in Ireland shall give any false certificate, or if any person shall forge or counterfeit any such certificate, or shall make any false declaration, every maker or person so offending shall forfeit 100*l.*, and all starch in respect of which any such false certificate shall be produced, or declaration be made, shall be forfeited.

III. That every person who shall be entitled to any allowance of the duties on starch used, employed, or consumed in Great Britain in the preparing and finishing any manufactures from flax or cotton for sale, or in whitening new linen in the piece for sale, shall, in addition to the other particulars by law required on claiming such allowance, make oath or solemn affirmation that all the starch in respect of which such allowance shall be claimed was really and truly used and consumed on or before the said 10th of October 1834, and that to the best of his knowledge and belief the full duties of Excise payable on or before the said 10th of October 1834 had been charged and paid on the said starch, and no such allowance shall be admitted or paid in respect of which such oath or affirmation shall not be made; and every person swearing or affirming falsely shall be subject and liable to the pains and penalties of perjury.

And after noticing that it is expedient that provision should be made for allowing the makers of starch to make, duty-free, before the 10th of October 1834, starch not to be sold or consumed (except as hereinafter is provided with respect to makers of stone blue) until after the said 10th of October, when the said duties are to cease and determine:—

It is Enacted,

IV. That every maker of starch who shall intend to make or store any starch duty-free, not to be sold or sent into consumption (except as aforesaid) until after the said 10th of October 1834, shall give notice in writing of such his intention to the officer of Excise before storing any starch, and in such notice shall specify some separate and secure room, cellar, or store, to be approved of by the Commissioners of Excise or their officers, for the keeping therein of all such starch as shall be stored duty-free; and such maker may, when giving notice for the removal from the stove of any starch which may be in the stove at the passing of this Act, give notice in writing to the proper officer, specifying in such notice how much of such starch is to be taken out for immediate consumption and payment of duty and how much thereof is to be stored duty-free, and the officer of Excise having received such notice shall attend and take an account of the quantity so specified as to be duty-paid, and charge the duty on the same in the ordinary and usual manner, and such officer shall also take an account by counting the pieces or weighing, or by both counting and weighing, of the quantity of starch specified in the notice as to be stored duty-free; and such officer having taken such account shall forthwith cancel or obliterate in such manner as the Commissioners of Excise shall direct all the stamps on the several and respective pieces of starch so intended to be stored duty-free; and such account having been taken, and the said stamps having been so cancelled or obliterated, all such starch shall be forthwith deposited and stored in the separate room, cellar, or store approved by the Commissioners of Excise or their officers, under the locks and keys of the officers of Excise, and otherwise secured in such manner as the Commissioners of Excise shall direct; and as often as any other starch shall be made the maker thereof shall, when giving notice of his intention to paper the same likewise give notice in writing to the proper officer of Excise of how much of such starch is intended for immediate consumption and to be charged with duty, and how much thereof is to be stored duty-free, and the officer of Excise attending to see such starch papered shall stamp so much thereof as shall be intended according to such notice for immediate consumption and to be duty-paid, and shall omit to stamp the residue thereof which shall be intended to be stored duty-free; and the starch so stamped shall be taken account of and charged with duty in the usual and ordinary manner, and the starch not stamped shall be taken account of in the manner hereinbefore provided, and shall, when so taken account of, be in like manner deposited and stored, and so from time to time as any starch shall be made and be intended to be stored duty-free; and all starch so stored without payment of duty shall be kept so stored and secured, and shall not be sold or sent into consumption, or any part thereof be removed or delivered to the maker thereof, until the 11th of October 1834 (except as hereinafter provided with respect to makers of stone blue); and on the 10th of October 1834 the officers of Excise shall take an account of all the said starch which shall have been so stored and secured duty-free as aforesaid; and if upon such account the whole quantity of starch shall be found in the stock of the maker who shall have made the same stored and secured as aforesaid, and the officers of Excise shall be satisfied that it is the same starch which was made and stored duty-free and that no part thereof has been sent into consumption (except to a maker of stone blue as hereinafter provided), nor any addition been made thereto or alteration therein, all the said starch shall be delivered duty-free to the maker thereof.

V. That if any starch which shall be so stored under the regulations aforesaid as not to be sent into consumption until after the said 10th of October 1834 shall not at any time previous thereto be so stored and secured in such separate and secure room, cellar, or store as aforesaid, or if any such maker of starch shall open or procure to be opened any such room, cellar, or store, or injure any of the locks or fastenings thereof, or remove or cause or procure to be removed any starch from or out of the same, or shall sell or send out any such starch so stored duty-free (except to a maker of stone blue as hereinafter provided), that is to say, on the said 10th of October 1834, or at any time previous thereto, the officers of Excise shall not find all such starch so stored and secured and unaltered (except by any quantity sent out to a maker of stone blue as aforesaid), or if any such maker of starch shall use or practise any art or device to deceive any officer of Excise in taking an account of such starch, or to remove any such starch, or to evade any part of the duties on starch with which previous to the said 10th of October he might or would be chargeable, then the Commissioners of Excise are hereby authorized and required to demand and collect the duties of Excise (according to any account which they may have of the same) on all the starch made by such maker of starch previous to the said 10th of October 1834, and the said makers shall be liable to the payment of all such duties; and the same shall and may in default of payment be levied, collected, and enforced under the laws, provisions, and regulations, penalties, and forfeitures now in force for collecting and securing the duties of Excise.

And after reciting that by the laws now in force makers of stone blue are compelled to use starch in the manufacture of stone blue, and it is therefore expedient to allow such makers to obtain starch for the making of stone blue duty-free before the said 10th of October 1834:—

It is Enacted,

VI. That every maker of stone blue who shall be desirous of receiving starch duty-free shall enter into a bond to His Majesty in the penalty of 300*l.*, conditioned that all such starch so to be received by him shall be used and consumed in the making of stone blue, and shall not be sold or disposed of or used in any other manner; and it shall be lawful for any maker of starch who shall have stored any starch duty-free as aforesaid to give notice in writing to the officer of Excise that he is desirous of delivering a quantity of starch to a maker of stone blue, describing in such notice the name and manufactory of such maker of such stone blue, and the quantity of starch to be delivered; and the officer of Excise to whom such notice shall be delivered, being satisfied that the maker of stone blue therein named has given such bond as aforesaid, shall attend at the store, and having stamped the several pieces of starch specified in such notice shall deliver out the same, and the maker of starch at whose request such starch shall have been delivered out shall produce to the officer of Excise, under whose survey he shall be, the receipt of the maker of stone blue; and in case all the starch so delivered and received shall not be used and consumed in the manufacture of stone blue the bond of such maker of stone blue shall be put in suit, unless the Commissioners of Excise shall see cause to forbear and to forego proceedings thereon.

VII. That from and after the passing of this Act all the laws, enactments, provisions, rules, and regulations of Excise relating to stone blue or of hair powder shall, except as to any penalty or forfeiture incurred before the passing of this Act, be and the same are hereby repealed.

VIII. That from and after the passing of this Act all the duties and drawbacks of Excise on stone bottles shall cease and determine and be no longer paid or payable, save and except as to any arrear of the said duties which shall become due, or any penalty or forfeiture in respect thereof which shall have been incurred, or the payment of any drawback which shall become payable in respect of any stone bottles exported before the passing of this Act.

IX. That from and after the 10th of October 1834 all the duties and drawbacks of Excise on sweets or made wines, and on mead or metheglin, and on scaleboard made from wood, and all duties upon licences required to be taken out by any maker of sweets or made wines, metheglin or mead, or of scaleboard made from wood, and all drawbacks of Excise on any of the said commodities, shall be repealed, cease, and determine, and be no longer paid or payable, save and except as to any arrear of the said duties, or any or either of them, which shall have become due, or any penalty or forfeiture in respect of any or either of the said duties respectively which shall have been incurred, before the said 10th of October 1834, or the payment of any drawback which shall become payable in respect of any of the said commodities removed or exported before the said 10th of October 1834.

X. Provided, That nothing herein contained shall extend or be deemed or construed to extend to repeal or affect any duty on licences to be taken out by retailers of sweets or made wines or mead or metheglin, but all such licences shall continue to be taken out in the same manner as if this Act had not been passed.

And for declaring who shall be deemed a retailer of sweets after the said 10th of October 1834, when the said duties on sweets are to cease and determine:—

It is Enacted,

XI. That every person who shall sell or send out any liquor made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit or sugar mixed with other materials, commonly called sweets or made wines, or any mead or metheglin, in any less quantity than in a whole cask containing fifteen gallons, shall be deemed and taken to be a retailer of sweets, and shall take out a licence accordingly.

XII. That this Act may be amended, repealed, or altered by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXVIII.—IRELAND.

AN ACT for the Amendment of the Proceedings and Practice of the High Court of Chancery in Ireland.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. If a defendant has been served with process, and neglects to appear after eight days, an appearance may be entered and proceedings had.
2. Rule books of the Court to be open upon all days except Sundays and holidays.
3. Motion books to be open during the sitting of the Court; and orders may be made without petition.
4. Decrees and orders of the Court.
5. Sales or mortgages under decrees or orders of the Court.
6. Service of an attested copy of a decree to be sufficient to warrant attachment.
7. The Court may appoint a receiver of estates of minors.
8. If any person neglects to execute any deed or transfer, the Court may order a Master in Ordinary to execute the same.
9. The Deputy Keeper of the Rolls or Clerk of Inrolments may administer oaths and take affirmations.—Masters in Ordinary and their Clerks not to administer oaths.—Proviso for the Deputy Keeper of the Rolls and Clerk of the Inrolments.

10. Persons swearing before Deputy Keeper or Clerk of Inrolments to be subject to penalties for perjury.
11. Stamp duties imposed by 4 Geo. 4. c. 70. to continue to be collected.
12. Masters in Ordinary empowered to hear matters relating to the conduct of suits, and to direct the payment of costs.
13. Depositions.—General orders.
14. General orders may be varied.
15. Hours of business in the several offices.
16. Masters in Ordinary to report certain particulars annually to the Lord Chancellor.
17. Persons not compelled to pay for the entire copy of a paper when requiring only a portion of it.
18. Powers given to the Lord Chancellor may be exercised by the Lord Keeper.
19. Part of the Suitors Fund to be set apart for a compensation fund.
20. Produce of the fund to be placed to the account of the Accountant General in the Bank of Ireland.
21. Court of Chancery may direct the same to be called in.
22. Surplus of interest to be invested in Government securities.
23. Lords of the Treasury may make compensation to Six Clerks and other officers.
24. Commissioners to settle amount of compensation.
25. Lords of the Treasury and Commissioners to inquire into fees.
26. Commissioners of Treasury may refer accounts to Masters in Ordinary.
27. Officers claiming compensation to make a return of the profits of their office.
28. Officers may make an annual return of the profits of their office.
29. Officers swearing falsely to be guilty of perjury.
30. Commissioners to certify value of offices to Lords of the Treasury.
31. If fund not sufficient, the remainder to be paid out of the Consolidated Fund.
32. Payments not to be liable to usher's poundage.
33. If officer dies pending inquiry his executors to make returns.
34. Six Clerks selling their office may receive compensation for the diminution of value.
35. Act not to prevent dismissal of officers.
36. Officers hereafter appointed not to be entitled to compensation.
37. Commencement of Act.
38. Act may be altered this session.

By this ACT,

After reciting that it is expedient that the laws relating to entering appearances and taking bills *pro confesso* in the High Court of Chancery in Ireland should be amended, and that the costs and expenses of proceedings in the said Court should be diminished, and that increased facilities should be afforded for the dispatch of business therein :—

It is Enacted,

I. That where any defendant to any suit instituted in the said Court shall be duly served in Ireland with process of subpoena to appear and answer in such suit, and shall refuse or neglect to appear thereto, an appearance shall and may, after the expiration of eight days, exclusive of Sundays and holidays, from the due service of such subpoena, be entered for such defendant, at the instance of the plaintiff, in such manner and form as the Court, by any general order or orders to be made in pursuance of this Act, shall direct; and that thereupon such further proceedings may be had in the cause as if the defendant had actually appeared.

And after reciting that it is expedient, for the further diminishing the expense of suits in the said Court, that an alteration should be made in the practice of the said Court by abolishing petitions as hereinafter provided :—

It is Enacted,

II. That from and after the commencement of this Act the rule books of the said Court shall be deemed open in the Registrar's office of the said Court upon all days of the year except Sundays and holidays, and accordingly that all side bar rules and rules of course shall be entered in the said rule books upon all days of the year, except Sundays and holidays, without petition, in like manner as the same are now respectively entered in the said books during the sittings of the Court, or in such form and manner as the said Court by any general order or orders to be made in pursuance of this Act shall direct.

III. That from and after the commencement of this Act the motion books of the said Court shall be deemed open in the Registrar's office of the said Court during the sittings of the Court, and accordingly that all orders to be made in open court in cases, including motions to vacate recognizances, or in causes and matters, shall henceforth during the sitting of the Court be made and entered without petition, except in such cases as from their nature or by statutory enactments require a petition to be preferred, or unless the Court shall, for special reason in any particular case, require a petition to be preferred.

IV. That any person shall be at liberty to take an office copy of so much only of any decree, order, report, or exceptions as he may require, and that, unless the Court shall otherwise specially direct, no recitals shall be introduced in any decree or order of the said Court, but the pleadings, petition, notice, report, evidences, affidavits, exhibits, or other matters or documents on which such decrees or orders shall be founded shall merely be referred to; and it shall be lawful for the Lord Chancellor, if he shall think fit, with the advice and assistance of the Master of the Rolls, to make and issue such rules and regulations as to the form of such decrees and orders as he may deem necessary or proper for the proper drawing up of such decrees and orders, and carrying into effect the provisions of this Act in regard thereto.

V. That where any decree or order of the said Court shall direct any sale, mortgage, or other dispositions of lands, or any other property whatsoever, to be had before any Master, or any other officer of the said Court, it shall and may be lawful for such Master or other officer of the said Court to proceed and sell, and such Master and other officer is hereby required to pro-

ceed and sell, in pursuance of such decree or order, the subject matter thereby directed to be sold, upon production of the attested copy of such decree or order signed by the register, and without in any way requiring an enrolment or exemplification of such decree or order to be produced to warrant the sale, mortgage, or other disposition by the decree or order directed.

VI. That in all cases the service of an attested copy of any decree or order of the said Court shall be a sufficient service thereof to warrant an attachment and all subsequent proceedings for not complying with such decree or order; and that it shall and may be lawful for the Court to proceed by attachment or otherwise as it shall deem proper, upon the service of such attested copy, without requiring an exemplification of such decree or order to be served as a warrant for any attachment or subsequent proceeding for not complying with such decree or order.

VII. That the Court may, on petition, appoint a receiver of the real and personal estate of a minor or minors without a bill being filed for that purpose; and that in all cases in which a receiver shall be appointed on petition, it shall and may be lawful for the Court to make all such orders as may be necessary from time to time for the recovery of the rents or for the setting of the lands and premises over which such receiver shall be appointed, as fully and effectually as if such receiver had been appointed under a bill filed.

VIII. That when any person who has been or shall be directed by any decree or order of the said Court to execute any deed or other instrument, or make a surrender or transfer, or to levy a fine, or suffer a recovery, if it shall appear upon affidavit or affidavits to be made to the satisfaction of the Court that such person refuses, declines, or neglects to execute same, it shall and may be lawful for the Court, after the expiration of ten days from the service of the decree or order personally, and tender of such deed or instrument for execution, to make an order, upon motion in open court, that one of the Masters in Ordinary of the said Court shall execute such deed or other instrument, or make such surrender or transfer, or levy such fine, or suffer such recovery, in the name of such person, and do all acts necessary to give validity and operation to such fine and recovery, and to lead or declare the uses thereof; and the execution of the said deed or other instrument, or the surrender or transfer, made by the said Master, and the fine or recovery levied or suffered by him, shall in all respects have the same force and validity as if the same had been made or executed, levied or suffered by the party himself.

IX. That from and after the commencement of this Act it shall and may be lawful for the deputy Keeper of the Rolls for the time being, and also for the Clerk of the Inrolments for the time being, and the persons who shall hereafter be appointed from time to time to the said offices respectively, and they are hereby respectively fully authorized, empowered, and required, to administer the oaths, and take the affirmations and attestations of honour, which may be required by the practice of the said Court, to all pleadings to be filed or lodged in the Rolls Office of the said Court, and also to administer the proper and necessary oaths and affirmations to the returns of all commissions to take such pleadings, in like manner and to the like extent as the Masters in Ordinary of the said Court, and the several clerks and examiners of the said Masters, are now authorized to administer the same, anything contained in an Act, 6 Geo. 4. c. 30, intitled, 'An Act to amend an Act of the Fourth Year of His present Majesty's Reign, for the better Administration of Justice in the Court of Chancery in Ireland,' to the contrary notwithstanding; and that the said Masters in Ordinary, and their clerks or examiners, shall no longer administer the said oaths or take the said affirmations or attestations of honour, without prejudice to their rights and jurisdictions to administer oaths and take affirmations and attestations of honour to all documents or proceedings not herein specified: Provided always, that the deputy Keeper of the Rolls, or Clerk of the Inrolments in the absence of the deputy Keeper of the Rolls, shall not be required, except under special order of the Court, to go out of his office to administer the said oaths to take the said affirmations or attestations of honour pursuant to this Act; and provided also, that whenever either of the said officers shall be required by any order of the Court to attend out of the said office for the purposes aforesaid, the charge for every such attendance of the deputy Keeper of the Rolls or Clerk of the Inrolments, as the case may be, together with the rate of his travelling expenses, if any, shall be expressed in such order of the Court; and that it shall and may be lawful for the said deputy Keeper of the Rolls or the Clerk of the Inrolments respectively to receive such sum for his attendance, and also such rate of travelling expenses, as shall be expressed in such order of the Court, and no other or greater sum.

X. That all persons swearing to, affirming, or attesting the said documents or any of them before the said deputy Keeper of the Rolls, or before the said Clerk of the Inrolments, as the case may be, shall be liable to all such penalties, punishments, and consequences for any wilful and corrupt false swearing or perjury contained therein, as if the same had been sworn, affirmed, or attested before the said Court of Chancery, or all or any of the Masters in Ordinary thereof.

XI. That all and every the stamp duties imposed and enacted by 4 Geo. 4. c. 70, intitled, 'An Act to grant additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in Ireland,' and the Schedule thereto annexed, shall continue and be collected and enforced as to the said documents and every of them as fully and effectually as if the said last-mentioned Act were re-enacted and expressly applied to the said documents and each of them when transacted as part of the business of the deputy Keeper of the Rolls, or Clerk of the Inrolments, as the case may be.

XII. That the said Masters in Ordinary of the said Court shall have authority to hear and determine and make orders upon all such matters relating to the conduct of suits in their respective offices as the Lord Chancellor with the advice and assistance of the Master of the Rolls, by any general order or orders, shall direct; and that it shall and may be lawful for the said Masters to order and direct that the costs of all or any of the parties upon any proceedings before them shall be costs in the cause or matter, or to be forthwith paid by and to such person or persons as they shall deem just, or to award such liquidated sum by way of costs to any of the parties as they shall think reasonable, and to be paid by such person or persons or out of such fund as they shall deem just; and the said Master shall cause all such orders to be drawn up in a short form, and when signed shall cause the same to be entered in books to be kept for that purpose exclusively in their respective offices; and all such orders, if not reversed or varied, shall be as binding as an order of the Court itself, and the costs awarded thereby shall be recovered in like manner as costs directed to be paid by the Court itself.

XIII. That henceforth all depositions of witnesses examined in the said Court shall be taken in the first person, and in no other form; and that it shall and may be lawful for the Lord Chancellor, by and with the advice and assistance of the Master

of the Rolls, to make and issue such general orders as he shall think fit for abolishing or altering any writ or writs of process or any pleading or course of proceeding in suits now pending or hereafter to be commenced in the said Court; and that it shall and may be lawful for the Lord Chancellor, with the advice and assistance of the Master of the Rolls, and he is hereby required, forthwith to make and issue such general orders as he shall think fit for carrying the provisions of this Act into execution; and also such other rules and orders, not being inconsistent with the enactments and provisions of this Act, as he, with the advice and assistance of the Master of the Rolls, shall think fit and proper for simplifying, establishing, and settling the course of practice of the said Court and of its several offices.

XIV. That the Lord Chancellor, by and with the advice and assistance of the Master of the Rolls, shall be and he is hereby authorized and empowered, by any general order or orders to be made and issued by him from time to time, to annul, alter, or vary any general order or orders which may have been so as aforesaid made and issued, and to make any new general order or orders for the purposes hereinbefore mentioned, or any of them.

XV. That the several offices of the said Court of Chancery shall be and continue open for the dispatch of business upon such days of the year and during such hours in the day, and that the officers and clerks belonging thereto respectively shall attend in such offices in the discharge of their several duties during such times and for such number of hours in each day, as the Lord Chancellor, with the advice and assistance of the Master of the Rolls, shall by any general order or orders to be issued from time to time direct; and that the officers and clerks in the said respective offices shall give their personal attendance in their respective offices in the discharge of their official duties during the times they shall so as aforesaid be directed to attend, unless otherwise engaged in the business of their respective offices, or unless prevented by sickness or other unavoidable cause: Provided always, that where any office can be legally executed by deputy, nothing herein contained, or in any order to be made in pursuance thereof, shall be construed to compel the principal to attend in person.

XVI. That each of the said Masters in Ordinary of the High Court of Chancery shall within the first four days of Michaelmas term in each and every year, present or cause to be presented to the Lord Chancellor a report in writing, under the hand of such Master, stating the days on which he shall have attended at his office, for and during twelve months preceding such return, is the performance of his duty, specifying the number of hours occupied in each of such day's attendance as aforesaid, and further, that each such Master shall annex to such his report a list or schedule, to be signed by him in like manner, of the several causes, petitions, or matters of every description then pending in his office, shewing the then state and stage of the same respectively, designating each cause, petition, or matter by the name or names of the party or parties thereto, or some of them, with the name or names of each solicitor engaged therein, and also the state of the account of each receiver, committee of a lunatic, or guardian of an infant, whose accounts are passed in his office, and the balance (if any) remaining in the hands of such receivers, committees, and guardians respectively; and thereupon it shall be lawful for the said Lord Chancellor to make and issue such order for filing or depositing and otherwise giving publicity and access to such list or schedule as he in his discretion shall think fit.

XVII. That no person shall be compelled or required to take or pay for any paper or document being in any office of the said Court; and that every person shall be at liberty to take out and pay for only so much or such part of any paper or document being in any office of the said Court as such person may require, without being in any case compelled to take out or pay for the entire of the paper or document being in the office.

XVIII. That the powers and authorities given by this Act to the Lord High Chancellor of Ireland shall and may be exercised in like manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of Ireland respectively for the time being.

And after reciting that by an Act, 23 & 24 Geo. 3. (I.), intitled, 'An Act for the better securing the Monies and Effects of the Sutors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, or other Purposes,' it was enacted, that all the monies and cash that shall be paid into and deposited in the said bank on account of the suitors of the said Court of Chancery, or by order of the said Court, shall be accounted and taken to be one common or general fund, and to be issued and payable as the Court of Chancery shall direct: And that from many years experience it hath been found that there always hath been a very large sum of money belonging to the suitors of the Court of Chancery in Ireland lying in the said bank unproductive to the suitors of the said Court: and that it is expedient that a part of the said money belonging to the suitors of the said Court should be rendered productive for the purposes hereinafter mentioned:—

It is Enacted,

XIX. That out of the cash belonging to the suitors of the said Court of Chancery which now lies in the Bank of Ireland unproductive to the suitors a sum of 200,000*l.* shall and may, by any order or orders of the said Court, be invested in one entire sum, or in parcels in such government or parliamentary securities, as in and by such order or orders shall be directed, and be placed to an account to be intitled "An Account of the Compensation and Fee Fund of the Sutors of the Court of Chancery in Ireland," to the intent that the interest and annual profits arising from the money so to be placed out as aforesaid may be applied for the purposes hereinafter mentioned; and it shall be lawful for the said Court, from time to time, by any order or orders to be made for the purpose, to change the security or securities on which the said money shall be invested.

XX. That the interest and annual produce arising from the securities in which the said sum of 200,000*l.* shall be invested shall from time to time be received by the Governor and Company of the Bank of Ireland, and placed to the credit of the Accountant General of the said Court, in an account to be opened and called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Sutors of the Court of Chancery in Ireland;" the same to be issued and applied pursuant to the directions of this Act.

XXI. That if at any time the whole or any part of the said sum of 200,000*l.* shall be wanted to answer any of the demands of the suitors of the said Court of Chancery, then and in such case the Court may and shall direct the same or any part thereof

to be called in, or the securities on which the same shall be placed to be disposed of, in order that the suitors of the said Court may at all times be paid their respective demands out of the common and general cash belonging to such suitors.

XXII. That the surplus interest and produce of the monies carried to the said account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland," beyond what shall be sufficient to answer the purposes of compensation under this Act, and also the interest produced from the securities purchased with such surplus interest and produce, shall from time to time, by like order or orders of the said Court, be invested in the purchase of government or parliamentary securities, and carried to the account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland;" the same to constitute part of said fund to be issued and applied pursuant to and according to the directions of this Act.

And after reciting that the Six Clerks of the said Court are entitled to sell their respective offices, and all the present Six Clerks, save John Brennan, have purchased their said respective offices for large sums of money, since the passing of an Act, 4 Geo. 4. c. 61, intituled, 'An Act for the better Administration of Justice in the Court of Chancery in Ireland,' and have paid into His Majesty's Exchequer in Ireland, to the use of the public, one-fifth part of the said purchase-money: And that it is alleged that the income and emoluments of the respective Six Clerks, and of certain other officers of the said Court have been diminished in consequence of certain orders, bearing date the 31st of January 1834, and will be further diminished by the operations of this Act, and of the general orders to be made in pursuance thereof, for which the said Six Clerks and other officers claim to have compensation made: And that it is reasonable and just that the Six Clerks of the said Court, being purchasers of and entitled to sell at pleasure their respective offices, should receive for any diminution of annual income, and also for any depreciation of purchase value of their offices, full and adequate compensation; and also that such of the other officers of the said Court as the Lord High Treasurer or the Commissioners of His Majesty's Treasury as hereinafter provided shall think entitled thereto should also receive compensation for lawful fees and emoluments diminished or taken away from the said Six Clerks and other officers by the operation of the said general orders of the 31st of January 1834, and of this Act, and any general order or orders to be made in pursuance thereof:—

It is Enacted,

XXIII. That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, or any three or more of them, by warrant or warrants under their hands, to order and direct that such compensation shall be made to the said Six Clerks respectively, and to such other officers who now hold office in or belonging to the said Court, and whose lawful fees and emoluments have been or shall be diminished by the operation of the said orders of the 31st of January 1834, or by this Act, or any general order or orders to be made in pursuance thereof, as to the said Lord High Treasurer or the said Commissioners of His Majesty's Treasury in their discretion shall seem just and reasonable: Provided always, that an account or accounts of all such compensations shall, within fourteen days next after the same shall be so granted, be laid upon the table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within fourteen days after the meeting of Parliament then next following; and provided also, that such warrant or warrants for compensation shall not be valid until after the expiration of three weeks from the time the account or accounts of compensation shall be laid before Parliament.

And for the better enabling the Lord High Treasurer or the Commissioners of His Majesty's Treasury to form a correct judgment of the nature and amount of the compensations which it may be reasonable and proper to make to the officers who shall claim compensation for fees and emoluments taken away or diminished as aforesaid:—

It is Enacted,

XXIV. That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, if he or they shall think fit, to refer all and every the accounts and claims for compensation to the examination and consideration of so many persons to be Commissioners for carrying this Act into execution and effect as may to him or them appear fit and necessary, and every three or more of the Commissioners to be so appointed shall be competent to act in the execution thereof.

XXV. That the Lord High Treasurer and the Commissioners of His Majesty's Treasury, or any three or more of them, and also the Commissioners or any three or more of them to be appointed under this Act, shall be authorized to inquire and examine as well into all acts, matters, and things for which any fee or emolument has been received or claimed, and the legality thereof, as well as the amount of the fees or emoluments contained in any account to be furnished under this Act, and of all disbursements and allowances made in respect of business performed in the offices respectively, and of all charges affecting the same, and to require proof to be made upon oath, either personally or in writing, of any matter, and to examine any such officer or other person upon oath as to any matters into which the Lord High Treasurer or the said Commissioners may think proper or necessary to inquire, which oath may be administered either by the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any three or more of them, or by the Commissioners to be appointed under this Act, or any three of them, or by a Judge or Master in Ordinary of the said Court; and also to cause the production for his or their inspection and examination of all books, papers, and other documents which he or they shall deem requisite for the purposes of this Act; and also that it shall be lawful for him or them to consult the Lord Chancellor or the Master of the Rolls upon the legality, propriety, and reasonableness of any fees or matters connected therewith; and the Lord Chancellor or Master of the Rolls shall and is hereby required to give his advice and opinion thereon, in writing, as early as the same can reasonably be done.

XXVI. That it shall be lawful for the Lord High Treasurer or any three or more of the Commissioners of His Majesty's Treasury, if he or they shall deem it proper so to do, to refer all or any accounts to be furnished under this Act to any one or more of the Masters in Ordinary of the said Court, who shall by all the ways and means hereinbefore provided inquire into and examine the same, and shall fairly settle and certify in writing to the Lord High Treasurer or the Commissioners of His Majesty's Treasury the net and gross amount of the fees and emoluments and the disbursements of every kind to which such accounts relate.

XVII. That every officer of the said Court who shall claim compensation under this Act shall within three calendar months next after the commencement of this Act make or cause to be made out and rendered to the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or, if so required, to the Commissioners to be appointed under this Act, an account in writing of the gross and net emoluments, and also of the disbursements of his office in each of the three years next preceding the 1st of November 1833, and also an account of all lawful fees, salary, compensation, emoluments, or allowances of whatever nature as shall have been received during the said three years by the said officer, or for his use, or which upon any account or in any way shall have become due in respect of such office or the duties thereof, and shall also set forth a particular of the several and respective acts, matters, and things in respect of which any fee or emolument shall have been received, charged, or claimed; and also a particular of all allowances and disbursements made thereout, and charges affecting the same, in each of the said three years, with such further particulars of receipt and disbursements as the Lord High Treasurer or any three or more of the Commissioners of His Majesty's Treasury or of the Commissioners to be appointed under this Act shall direct, the said accounts to be verified on oath, to be sworn before one of the Masters of the said Court, which oath the said Master is hereby authorized and required to administer; and the Lord High Treasurer or the said Commissioners as aforesaid shall ascertain by all proper ways and means as aforesaid the gross and net annual value, according to a fair average of the said three years, of the said lawful fees and emoluments, and also the disbursements of such officer as aforesaid.

XVIII. That it shall be lawful for every officer claiming compensation as hereinbefore mentioned, on the first day of Hilary term, 1836, and on every succeeding first day of Hilary term, and for one month thereafter in each year respectively, so long as the said officer shall hold his office, to make or cause to be made out, and render to the Lord High Treasurer or the Commissioners of His Majesty's Treasury, an account in writing, to be verified in like manner, of the gross and net emoluments of the said office, and of the disbursements thereof, in such form and with such particulars of receipt and otherwise as the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any three or more of them, shall require; and also an account of all such lawful fees, salary, compensation, emoluments, and allowances, of whatever nature, as shall have been received by the said officer, or for his use, or which upon any account or in any way shall have become due in respect of such office, or the duty thereof, and the several and respective acts, matters, and things in respect of which the same shall have been received or claimed, and a particular of all allowances and disbursements made thereof, and charges affecting the same, in and for the year next preceding the first day of Hilary term in each succeeding year, as hereinbefore required; and the Lord High Treasurer or the said Commissioners as aforesaid shall ascertain as they shall think proper the gross and net income of such office, and also the disbursements thereof, for and during the year for which such account shall be rendered, and the amount of compensation to which he or they shall deem such officer entitled for and during the said year.

XIX. That every officer and other person who shall swear falsely to any matters respecting which an oath, either personally or in writing, is hereby required or authorized to be made, and shall be convicted of so doing wilfully and corruptly, shall be deemed guilty of wilful and corrupt perjury, and shall suffer the pain and penalty of that offence.

XX. That when the said Commissioners to be appointed under this Act shall have ascertained the gross and net value of the fees and emoluments of such offices and employments, or any of them, computed as aforesaid, together with the particulars of the disbursements, allowances, and charges constituting the difference between such gross and net annual value, they shall from time to time certify the same under their hands to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, who shall lay copies of the same, as also of all like certificates made by the Lord High Treasurer or the Commissioners of the Treasury under this Act, before both Houses of Parliament.

XXI. That the several and respective sums as and for compensation which the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall, by warrant or warrants as aforesaid, order and direct to be paid to any officer of the said Court shall be paid and payable to the officer or officers named in such warrant or warrants out of the account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in Ireland," as far as the same will extend; and in case the said Suitors Fund shall be inadequate to the payment of the whole amount of compensation to be given under this Act, the amount of the compensations beyond what can be satisfied out of the said Suitors Fund shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, without any fee or deduction whatsoever, to the officer or officers named in the warrant or warrants of the Lord High Treasurer or the Commissioners of His Majesty's Treasury as aforesaid.

XXII. That no payment or transfer of any sum or sums of money to be made under or by virtue of this Act, or any of the provisions thereof, shall be subject or liable to the payment of usher's poundage; and provided also, that every order to be made for the transfer, investment, or payment of any money under this Act or any of the provisions thereof shall be free of and discharged from the payment of any fee whatsoever to any officer of the said Court.

XXIII. That in case any officer of the said Court entitled to compensation under this Act shall die or resign or be dismissed from his office or employment before the termination of any year, the executors or administrators of the person so dying, or the person himself so resigning or dismissed, shall render such account as aforesaid for such part of the year during which the person so dying or resigning or dismissed shall have held such office or employment, and shall be entitled to claim and receive such sum proportioned to that part of the year during which such person shall have held his said office as the Lord High Treasurer or any three of the Commissioners of His Majesty's Treasury for the time being shall deem just and proper.

And after reciting that it is alleged that the purchase value of the office of Six Clerk in the said Court will be diminished by the operation of this Act and the general orders to be made in pursuance thereof:—

It is Enacted,

XXIV. That if any Six Clerk shall after the commencement of this Act sell his said office, it shall be lawful for him at any time within six calendar months after such sale to apply to the said Lord High Treasurer or the Commissioners of His Majesty's Treasury for compensation for such diminution of value, and in such case it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or such Commissioners as shall be appointed by them under this Act,

to examine into such application and claim by all and every or such means as hereinbefore provided as he or they shall think proper, and thereupon it shall be lawful for the said Lord High Treasurer and the Commissioners of His Majesty's Treasury, or any three of them, to order and direct that such annual or other compensation shall be made to the Six Clerks claiming the same as he or they in their discretion shall upon full inquiry deem just and reasonable; and all such compensation, whether annual or in gross, shall be charged upon and paid and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland without any fee or deduction whatsoever.

XXXV. That nothing herein contained shall be construed to prevent any person now holding any office or employment, or that shall hereafter hold any office or employment in the said Court, from being dismissed therefrom, as if this Act had not been made, or to give him any greater or other interest in such office or employment than he might have lawfully claimed or exercised if this Act had not been made.

XXXVI. That no person who after the passing of this Act shall be appointed to any office or employment in or belonging to the said Court shall be deemed entitled to prefer any claims for or to obtain any compensation in respect of any alteration of any kind whatsoever which shall be made by lawful authority in the constitution, process, practice, pleadings, or other proceedings, or in the constitution, duties, or emoluments, of any of the offices or employments in the said Court.

XXXVII. That this Act, and the several provisions therein contained, shall commence and take effect from the first day of Hilary term, 1835.

XXXVIII. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXIX.

AN ACT to amend the Law relating to Insolvent Debtors in India.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Any insolvent within the meaning of the Act of 9 Geo. 4. may petition the Court for his discharge after three months.—Notice of such petition to be inserted in the Gazette of the Presidency, and in the London Gazette.—Creditors who shall not dissent within fourteen months to be deemed to assent.—Court may then order discharge, unless one-sixth dissent, or a fiat in bankruptcy issue under the general Bankrupt Acts.—Order of Court to discharge all debts both in India and elsewhere.—But not to discharge partners.
2. If any fiat of bankruptcy shall be issued under the Acts for relief of insolvent debtors in India, then the discharge to be confined to India;
3. But on the order for discharge being proved to the Commissioner, and on his signing the bankrupt's certificate, such certificate is to be a general discharge from all debts.
4. In case there is no bankruptcy, the order of discharge to have effect everywhere.—If there be a bankruptcy, discharge to be confined to India.—If certificate obtained, it may be pleaded in India.
5. If a fiat under the Bankrupt Act within eight months after petition for discharge, the Court to make no order.
6. But no fiat to issue against a trader who is already before the Insolvent Court, after the eight months from the petition for discharge.
7. Schedules of debtors in India to be transmitted to Court of Directors in England, and to be open to inspection of creditors.

By this Act,

After reciting an Act, 9 Geo. 4. c. 73, intituled, 'An Act to provide for the Relief of Insolvent Debtors in the East Indies until the First Day of March One thousand eight hundred and thirty-three;' and that by another Act, 2 Will. 4. c. 43, the said Act was continued in force until the 1st of March 1836: And that, in and by the said Act to provide for the relief of insolvent debtors in the East Indies, certain provisions were enacted as to a commission of bankruptcy issuing against any such insolvent debtor as therein mentioned, and as to the proceedings consequent thereon; and amongst other things it was enacted, that a certificate obtained under such commission as therein provided should have the same force and effect in all places situate without the limits of the East India Company's charter as if the same had been duly signed in the usual way after such bankrupt had duly surrendered and passed his last examination; and it was also by the said Act amongst other things provided and enacted, that whenever it shall be made to appear to the satisfaction of any Court for relief of insolvent debtors, upon the application of any insolvent, his assignee or assignees, or any of his or her creditors, that the estate of such insolvent debtor which shall have come to the hands of the assignee or assignees shall have produced sufficient to pay and discharge three-fourths of the amount of the debts which shall have been established in such court, or that creditors to the amount of more than one-half in number and value of the debts which shall have been so established shall signify their consent in writing thereto, it shall be lawful for such Court to inquire into the conduct of the said insolvent, and if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his or her creditors, such Court shall be fully authorized and empowered thereupon to order that the said insolvent shall be for ever discharged from all liability whatsoever for or respect of such debts so established as aforesaid, and such Court shall, in the order to be drawn up, specify and set forth the names of such creditors; and after any such order shall have been so made no further proceedings shall be had in the matter the petition before the Court, unless upon appeal made to the Supreme Court of Judicature of the presidency where such Court

for the relief of insolvent debtors shall be holden as thereby authorized; and it was by the said recited Act also provided, that no such order as last aforesaid shall prevent any creditor who shall not have been resident within the limits of the charter of the said United Company at any time between the filing of such petition and the making of such order as last mentioned, and who shall not have taken part in any of the proceedings under the said petition, from bringing any suit or action in the East Indies for the purpose of obtaining execution against the goods, estate, or effects of such insolvent for any unsatisfied claim of such creditor, nor from bringing any suit or action for such claim in any court of the United Kingdom of Great Britain and Ireland, or elsewhere without the limits of the said United Company's charter, against such insolvent, in the same manner and with the like consequences and effects as if such order as last mentioned had not been made: And that it is expedient to extend and add to the provisions of the said Acts, so as to give to insolvent debtors, being traders, who shall have acted fairly and honestly towards their creditors, an additional and more complete discharge, and also to render more effectual the means of obtaining such discharge, and at the same time to preserve to such insolvent debtors such relief as is already afforded by the said recited Acts: And that under the provisions of 1 & 2 Will. 4. c. 56, intituled, 'An Act to establish a Court in Bankruptcy,' a fiat is issued in bankruptcy in lieu of a commission of bankrupt in every case where the Lord Chancellor, by virtue of any former Act, had heretofore power to issue a commission of bankrupt:—

It is Enacted,

I. That any person who now is or who shall hereafter become an insolvent debtor within the intent and meaning of the said Act, 9 Geo. 4. either upon petition filed, or by adjudication on an act of insolvency as therein provided, and who at the time of such petition being filed or adjudication made as aforesaid shall have been or shall be a person who, by an Act, 6 Geo. 4. c. 16, intituled, 'An Act to amend the Laws relating to Bankrupts,' or by any Act hereafter to be passed, would be deemed a trader liable to become bankrupt, shall be at liberty, at any time not earlier than three months from the making of such assignment as in the said Act, intituled, 'An Act for the Relief of Insolvent Debtors in the East Indies,' directed, or from any such adjudication of insolvency as therein mentioned (as the case may be), to apply by petition for his discharge to any one of the said Courts in the East Indies for the relief of Insolvent Debtors, in the said last-mentioned Act mentioned, as shall have already jurisdiction over the matter of his insolvency; and the principal officer of such Court shall cause a notice of such petition to be forthwith inserted in the Gazette of the Presidency within which such Court shall be holden; and the Chief Secretary of the Government of such Presidency shall, without delay, transmit to the Court of Directors of the said United Company, by different ships, two at least of every such Gazette which shall contain such notice as aforesaid, who shall, without delay, cause such notice to be inserted in the London Gazette; and all creditors of the said insolvent, either alone or as a partner with any other person or persons, and either within the limits of the said charter of the said United Company, or elsewhere, who shall not, within fourteen calendar months from the filing of such petition for a discharge as aforesaid, have given notice to the said Court of his dissent from such insolvent having his discharge, shall be taken to have assented thereto; and thereupon, and at the expiration of the said fourteen calendar months from the filing of such petition for discharge as aforesaid, if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his creditors, and unless creditors to the amount of one sixth in number and value of the debts that shall have been established in such Court shall have given notice of their dissent as aforesaid, or unless a fiat in bankruptcy (not being a fiat issued under the provisions of the said recited Acts "to provide for the Relief of Insolvent Debtors in the East Indies,") shall have been sued out in England against such insolvent within the time hereinafter provided, such Court shall be authorized and empowered to order the discharge of the said insolvent from liability for debts, claims, and demands of and against such insolvent; and such order shall operate (save as hereinafter provided) as a release and discharge from all debts, claims, and demands for which such insolvent was liable at the time of his petition for relief being filed, or of any such act of insolvency committed as aforesaid (as the case may be), and whether within the limits of the charter of the said United Company, or elsewhere, and whether such debts, claims, and demands shall or shall not have been established in such Court as aforesaid: Provided nevertheless, that such order shall not operate as a release or discharge of any person who was partner with such insolvent, or jointly bound or liable with him.

II. Provided, That in case any fiat in bankruptcy shall be issued in England against any such insolvent trader as aforesaid, under the provisions of the said Act, intituled, 'An Act to provide for the Relief of Insolvent Debtors in the East Indies,' or under the provisions of any other Act passed or to be hereafter passed respecting Insolvent Debtors in the East Indies, then and in such case such order for discharge as aforesaid shall not operate as a discharge of the debt, claim, and demand of any creditor who shall not have been resident within the limits of the charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, nor shall any such creditor be debarred from bringing any suit or action for such debt, claim, or demand in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere without the limits of the said United Company's charter, against such insolvent, in the same manner and with the like consequences and effects as if such order as last-mentioned had not been made.

III. That in such last-mentioned case, upon any application made to the Commissioner acting in such fiat as aforesaid, to sign the certificate of such insolvent, and after the same shall have been signed by the requisite number of creditors under the provisions of the said Act, intituled, 'An Act to provide for the Relief of Insolvent Debtors in the East Indies,' or any other Act passed or hereafter to be passed respecting insolvent debtors in the East Indies, then if it shall be made to appear to such Commissioner that such order for a discharge has been made by the Court in the East Indies as aforesaid, and if such Commissioner shall sign such certificate, he shall also certify in writing upon such certificate that such insolvent has obtained such order for discharge in the East Indies as aforesaid, and thereupon such certificate shall have the same force and effect, as well within as without the limits aforesaid, as a certificate duly obtained under the said Act, 6 Geo. 4. c. 16, intituled, 'An Act to amend the Laws relating to Bankrupts,' or in any other Act passed or to be hereafter passed respecting bankrupts.

IV. That any such insolvent trader who shall not be made a bankrupt under the provisions of the said Act for the relief of insolvent debtors in the East Indies, or of any other Act passed or hereafter to be passed respecting insolvent debtors in the East Indies, if he shall, after such order for his discharge shall have been made as aforesaid, be arrested, or have any action brought against him for any debt, claim, or demand for which he was so liable as aforesaid, either within the limits of the said United Company's charter or elsewhere, shall be discharged upon common bail, and may plead in general that the cause of action

accrued before he became insolvent, and may give this Act and the special matter in evidence; and such order as aforesaid, duly sealed with the seal of the said Court, shall be sufficient evidence in all courts and places whatsoever of all the proceedings precedent to such order being made, and of the same being duly obtained; and if any such insolvent trader shall be taken in execution or detained in prison for such debt, claim, or demand, where judgment has been obtained before such order of the Court for his discharge as aforesaid, it shall be lawful for any Judge of the Court wherein such judgment has been obtained, on such insolvent producing such order as aforesaid, to order any officer who shall have such insolvent in custody by virtue of such execution to discharge such insolvent without exacting any fee, and such officer shall be hereby indemnified for so doing; and any such insolvent trader who shall be a bankrupt under the provisions of the said last-mentioned Act, and who shall be arrested within the limits of the charter of the said Company, shall be so discharged, and may so plead, and shall have otherwise such relief, within the said limits, as hereinbefore mentioned; and if he shall also obtain such certificate as hereinbefore provided, he may be at liberty to avail himself either of such certificate, or of such order of discharge as aforesaid, for the purposes of his discharge within the limits aforesaid.

v. That in case any fiat in bankruptcy (other than a fiat under the provisions of the said Act, intituled, 'An Act to provide for the Relief of Insolvent Debtors in the East Indies,' or any other Act relating to the insolvent debtors in the East Indies,) be issued against any such insolvent trader within the period of eight calendar months from the time of such petition for relief being filed, or of such adjudication of insolvency being made, as the case may be, and such insolvent trader shall be duly adjudged a bankrupt under such fiat, then and in such case such Court as aforesaid shall not be authorized and empowered to make any such order for discharge as aforesaid.

vi. That after the expiration of such eight calendar months as aforesaid no fiat shall issue against any such insolvent, upon any petitioning creditor's debt due before the filing of such petition for relief, or such adjudication of insolvency (as the case may be); and in case any fiat shall issue against such insolvent trader as aforesaid upon a petitioning creditor's debt incurred subsequently to such filing of the petition for relief or to such adjudication of insolvency as aforesaid, such fiat shall not in any manner affect, invalidate, or interfere with the proceedings under the insolvency previously existing in the East Indies, nor shall the assignees under such fiat acquire any right or title to take possession of, demand, sue for, or recover any property or interest, real or personal, wheresoever situated, which belonged to such insolvent at the time of such petition for relief being filed, or of such adjudication of insolvency as aforesaid, but the assignee or assignees appointed by such Court for the relief of Insolvent Debtors shall have the sole and exclusive right and title thereto; and all debts, claims, and demands due and payable to such insolvent at the time of such petition for relief being filed, or of such adjudication of insolvency as aforesaid, shall be established under such insolvency, and shall not be proveable under such last-mentioned fiat.

And after noticing that by an Act, 9 Geo. 4, it is enacted, that all such insolvent debtors as therein mentioned shall, within the time also therein mentioned, deliver into the Court a schedule containing a full and true account of their debts, estates, and effects as therein mentioned, and which schedule is thereby directed to be forthwith filed in the said Court; and that it is expedient that the creditors of such insolvent debtors residing out of the limits of the said Company's charter should have the means of inspecting such schedule with equal facility with creditors of such insolvent debtors residing within the limits of the said charter:—

It is Enacted,

vii. That the principal officer of the said respective Courts for the relief of Insolvent Debtors shall, without delay, transmit to the Court of Directors of the said Company, by different ships, two or more copies of each such schedule, and the said Court shall retain the same, and permit any person or persons being a creditor or creditors of any such insolvent debtor to inspect and examine at all seasonable times such schedule, and shall, upon the request and at the reasonable costs and charges of any such creditor or creditors (such costs and charges to be regulated by the said Court), provide for him or them a copy or copies of any such schedule.

CAP. LXXX.

AN ACT to provide for the Repayment to the Governor and Company of the Bank of *England* of One Fourth Part of the Debt due from the Public to the said Company, in pursuance of an Act passed in the last Session of Parliament.

(14th August 1834.)

By this Act,

After noticing that by an Act, 3 & 4 Will. 4. c. 98, intituled, 'An Act for giving to the Corporation of the Governor and Company of the Bank of *England* certain privileges, for a limited Period, under certain Conditions,' it was enacted, that one fourth part of the debt of 14,686,800*l.*, then due from the public to the Governor and Company of the Bank of *England*, should be repaid to the said Governor and Company: And that the said Governor and Company have agreed to accept 3*l.* per centum per annum reduced annuities for the liquidation of the said one fourth part of such debt:—

It is Enacted,

That immediately after the passing of this Act there shall be written in and placed to the credit of the said Governor and Company of the Bank of *England*, in the books of the said Bank, by the Accountant General for the time being of the said Governor and Company, the sum of 4,080,000*l.* reduced 3*l.* per centum per annum annuities, which said sum of 4,080,000*l.* shall be added and consolidated with, and shall be deemed and taken as part of and be subject to all the conditions attending, the reduced 1 per centum per annum annuities existing at the time of the passing of this Act, forming part of the public debt of the United Kingdom.

Kingdom, and shall be assignable and transferable and redeemable accordingly, and the dividends arising upon the said sum of 4,080,000*l.* reduced 3*l.* per centum per annum annuities shall be chargeable and the same are hereby charged upon the Consolidated Fund of the United Kingdom, the first half-yearly payment whereof shall be made upon the 10th of October 1834; and the Lord High Treasurer or Commissioners of the Treasury of the United Kingdom, or any three or more of them, for the time being, shall cause to be paid to the said Governor and Company interest at the rate of 3*l.* per centum per annum upon the sum of 3,671,700*l.*, being one fourth part of the said debt, from the 1st of August last past up to the day upon which the said sum of 4,080,000*l.* reduced annuities shall be written into the books of the said Governor and Company; and the said Governor and Company shall continue a corporation until redemption of the said 4,080,000*l.* reduced annuities by Parliament.

CAP. LXXXI.

AN ACT to amend an Act of the Third Year of King *George* the Fourth, for regulating Turnpike Roads in *England*, so far as the same relates to the Weights to be carried upon Waggon with Springs.

(15th August 1834.)

By this Act,

After noticing that by an Act, 3 Geo. 4. c. 126. a 12, intituled, 'An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called *England*,' it is amongst other things enacted, that for regulating the weights to be allowed to waggons, wains, carts, and other carriages, the weights therein particularly specified and regulated according to the width and number of the wheels of such carriages shall be allowed to every waggon, wain, cart, or other such carriage; and it is also by s. 13. of the said Act enacted, that to every caravan or other four-wheeled carriage used for the conveyance of goods, and built and constructed with springs, shall be allowed the weights following; that is to say, for every such carriage three tons and fifteen hundred weight in winter, and four tons five hundred weight in summer: And that doubts have arisen whether the said last-recited provision extends to waggons, wains, and other such wheeled carriages when built and constructed with springs, although such waggons, wains, and other four-wheeled carriages, if not on springs, would be comprehended within the said first-recited provision:—

It is Enacted,

That the said last-recited provision shall not be deemed or construed to extend to waggons, wains, or other four-wheeled carriages having the felloes of the wheels thereof of the breadth of not less than four inches and a half at the bottom or soles thereof, notwithstanding the same may be built and constructed with springs; anything in the said recited Act or any other Act to the contrary notwithstanding.

CAP. LXXXII.

AN ACT to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in *England* and *Ireland*.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Provisions of recited Act relating to suits concerning lands extended to suits concerning charges or liens on lands.
2. Service of subpoenas in cases where defendants cannot be found.

By this Act,

After noticing that by an Act, 2 Will. 4. c. 33, intituled, 'An Act to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in *England* and *Ireland* respectively,' certain provisions have been made for rendering more effectual the process of the said Courts respectively in the cases therein mentioned: And that it is expedient to amend and extend the said Act in the manner hereinafter provided:—

It is Enacted,

1. That all the provisions contained in the said Act relating to suits instituted in the said Courts respectively concerning lands, tenements, or hereditaments situate in *England* or *Wales* or in *Ireland* respectively, shall be extended and applied to all suits instituted in the said Courts respectively concerning any charge, lien, judgment, or incumbrance thereon, or concerning any money vested in any government or other public stock, or public shares in public companies or concerns, or concerning the dividends or produce thereof; and the provisions in the said Act authorizing the said Courts respectively to direct that the writs in any part of the United Kingdom, or the Isle of Man, respectively, of any subpoena or subpoenas, letter missive or

letters misaive, and of all subsequent process to be had thereon, upon any defendant or defendants in such suit, then residing in such parts of the United Kingdom or the Isle of Man in which he, she, or they should be so served, should be deemed good service of or be made upon such defendant or defendants, upon such terms, and in such manner, and at such time as to such Courts respectively should seem reasonable, and that thereupon it should and might be lawful for such Courts respectively to proceed upon such service as fully and effectually as if the same had been duly made within the jurisdictions of such Courts respectively, shall be and they are hereby extended to any defendant or defendants in any such suit or suits as hereinbefore mentioned, who shall appear by affidavit to be resident in any place, specifying the same, out of the United Kingdom; and that it shall and may be lawful for the said Courts respectively, on motion in open court of any of the complainants in any such suit, founded upon an affidavit or affidavits, and such other documents as may be applicable for the purpose of ascertaining the residence of the party, and the particulars material to identify such party and his residence, and also specifying the means whereby such service may be authenticated, and especially whether there are any British officers, civil or military, appointed by or serving under His Majesty residing at or near such place, to order that service of a subpoena to appear and answer upon the party in the manner thereby directed, or, in case where the said Courts respectively shall deem fit, upon the receiver, steward, or other person receiving or remitting the rents of the lands or premises, if any, in the suit mentioned, returnable at such time as the said Courts respectively shall direct, shall be deemed good service of such party, and afterwards, upon an affidavit of such service had, to order an appearance to be entered for such party in such manner and at such time as the said Courts respectively shall direct, and that thereupon it shall and may be lawful for such Courts respectively to proceed upon such service so made as aforesaid as fully and effectually as if the same had been duly made within the jurisdictions of such Courts respectively.

II. That where it shall appear upon affidavit, to be made to the satisfaction of the said Courts respectively, that any defendant in any such suit as hereinbefore mentioned cannot by reasonable diligence be personally served with the subpoena to appear and answer, or that upon inquiry at his usual place of abode he could not be found so as to be served with such process, and that there is just ground for believing that such defendant secretes or withdraws himself so as to avoid being served with the process of such Court, then and in all such cases it shall and may be lawful for the Court to order that the service of the subpoena to appear and answer shall be substituted in such manner as the Court shall think reasonable and direct by such order.

CAP. LXXXIII.

AN ACT to amend an Act passed in the Third Year of His present Majesty, intituled, 'An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes.'

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Proceedings stayed on defendant's paying costs into court.*
2. *Defendant to give notice to plaintiff of his intention to proceed.*
3. *If plaintiff accepts the costs, all proceedings to be abandoned.*
4. *Executors, heirs, &c. may act in case of death.*
5. *Judges may, upon sufficient cause shewn, permit actions to be proceeded with.*
6. *As to previous claims.*

By this Act,

After noticing that by an Act, 2 & 3 Will. 4. c. 100, intituled, 'An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes,' certain provisions were made limiting the period within which in cases of claims of a modus decimandi the payment or render of such modus, and in cases of claim of or to any exemption from or discharge of tithes by composition real or otherwise, the enjoyment of the land without payment or render of tithes or money, or other matter in lieu thereof, should be shewn to have taken place: And that it was by the said Act further enacted, that nothing therein contained should be prejudicial or available to or for any plaintiff or defendant in any suit or action relative to any of the matters therein mentioned, then commenced, or which might be thereafter commenced during the then session of Parliament, or within one year from the end thereof: And that since the passing of the said Act a great number of suits have been instituted for the recovery of tithes, under the apprehension on the part of the plaintiffs that they would be precluded by the said Act from recovering the tithes to which they claim to be entitled unless they prosecuted their claims within the periods limited by the said Act: And that it is deemed advisable to enable the defendants in such suits to cause all further proceedings therein to be suspended until the end of the next session of Parliament, upon the terms hereinafter expressed:—

It is Enacted,

I. That from and after the passing of this Act it shall and may be lawful for the defendant or defendants in any action or suit which may have been commenced or instituted since the passing of the said recited Act for the recovery of tithes, or for invalidating claims of a modus decimandi, or an exemption from or discharge of tithes, for lands in respect whereof no tithes, nor any composition in lieu thereof, shall have been actually rendered or paid within the space of sixty years previous to the passing of this Act, with the consent of the plaintiff or plaintiffs in such action or suit, to pay the amount of the costs and expenses (to be taxed as between party and party) which may have been incurred by or on the part of the plaintiff or plaintiffs in sec

action or suit into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery or of the Court of Exchequer, or of the proper officer of the Court in which such action or suit shall have been brought, to the credit or on account of such action or suit; and in every case where such costs and expenses shall be so paid into court, all further proceedings in such action or suit (except as hereinafter provided) shall be stayed and suspended until the end of the next session of Parliament.

II. That from and after the end of the next session of Parliament it shall and may be lawful for the plaintiff or plaintiffs in any action or suit, in which the defendant or defendants shall have caused the proceedings to be stayed or suspended under the provision hereinbefore contained, to give notice to the defendant or defendants of his, her, or their intention to proceed in such action or suit and to proceed therewith accordingly; and then and in every such case the defendant or defendants shall, immediately after such notice shall have been so given, be entitled to receive out of court the sum or sums which such defendant or defendants shall have previously paid into court on account of the costs of the plaintiff or plaintiffs.

III. Provided, That it shall and may be lawful for the plaintiff or plaintiffs in any action or suit in which the defendant or defendants shall have paid into court the costs of such plaintiff or plaintiffs under the provision hereinbefore contained, to take the sum or sums which may have been so paid for such costs out of court, for his, her, or their own use, and then and in every such case all further proceedings in such action or suit shall be for ever abandoned and relinquished.

IV. That it shall and may be lawful for the successors, heirs, executors, administrators, or assigns of any plaintiff or plaintiffs, whose action or suit may be so stayed or suspended as aforesaid, to revive and proceed with such action or suit after the end of the next session of Parliament, or to take such costs as aforesaid out of court, and cause all further proceedings to be abandoned and relinquished, in the same manner in every respect as the original plaintiff or plaintiffs might or could have done.

V. Provided, That notwithstanding the provision hereinbefore contained it shall and may be lawful for any party to any action or suit so suspended, upon adducing sufficient proof to the satisfaction of a Judge of the Court in which such action or suit shall have been commenced that there is danger of some material evidence in support of the right or claim of such party being lost in consequence of such suspension, to proceed in such action or suit to the extent of proving such fact or facts the evidence respecting which shall be so shewn as aforesaid to be in danger of being lost through such suspension.

VI. Provided, That nothing in this Act contained shall prevent the prosecution of any suit in law or equity for the recovery of any tithes claimed or demanded previous to the passing of the said recited Act, or for the recovery of the value thereof.

CAP. LXXXIV.

AN ACT to apply a Sum of Money out of the Consolidated Fund and the Surplus of Grants to the Service of the Year One thousand eight hundred and thirty-four, and to appropriate the Supplies granted in this Session of Parliament.

(15th August 1834.)

By this ACT the Commons Granted, and it is Enacted,

I. That there shall and may be issued and applied, for or towards making good the supply granted to His Majesty for the service of the year 1834, the sum of 4,250,000*l.* out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland now or for the time being, or any three or more of them, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

II. That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any three or more of them for the time being, from time to time, by warrant under their hands, to cause or direct any number of Exchequer bills to be made out at the receipt of His Majesty's Exchequer at Westminster for any sum or sums of money not exceeding in the whole 4,250,000*l.*; and such Exchequer bills shall be made out in the same or like manner, form, and order, and according to the same or like rules and directions, as are directed and prescribed in and by an Act, 48 Geo. 3. c. 1, intituled, 'An Act for regulating the issuing and paying off of Exchequer Bills.'

III. That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited Act, 48 Geo. 3, shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully and effectually, to all intents and purposes, as if the said several clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities had been particularly repeated and re-enacted in the body of this Act.

IV. That the Exchequer bills to be made out in pursuance of this Act shall and may bear an interest not exceeding the rate of 3*½* per centum per diem upon or in respect of the whole of the monies respectively contained therein.

V. That the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer bills as shall be made out in pursuance of this Act to be placed as so much cash in the respective offices of the Tellers of the Receipt of His Majesty's Exchequer at Westminster, each and every of which Tellers shall be severally charged with the proportion of the said bills which shall be so placed in his office respectively as so much cash; any law or usage to the contrary notwithstanding.

VI. That the said Exchequer bills in the hands of the said Tellers shall be locked up and secured as cash, according to the receipt of the Exchequer at Westminster, and shall be taken and esteemed as so much in part of the remains in

letters missive, and of all subsequent process to be had thereon, upon any defendant or defendants in such suit, then residing in such parts of the United Kingdom or the Isle of Man in which he, she, or they should be so served, should be deemed good service of or be made upon such defendant or defendants, upon such terms, and in such manner, and at such time as to such Courts respectively should seem reasonable, and that thereupon it should and might be lawful for such Courts respectively to proceed upon such service as fully and effectually as if the same had been duly made within the jurisdictions of such Courts respectively, shall be and they are hereby extended to any defendant or defendants in any such suit or suits as hereinbefore mentioned, who shall appear by affidavit to be resident in any place, specifying the same, out of the United Kingdom; and that it shall and may be lawful for the said Courts respectively, on motion in open court of any of the complainants in any such suit, founded upon an affidavit or affidavits, and such other documents as may be applicable for the purpose of ascertaining the residence of the party, and the particulars material to identify such party and his residence, and also specifying the means whereby such service may be authenticated, and especially whether there are any British officers, civil or military, appointed by or serving under His Majesty residing at or near such place, to order that service of a subpoena to appear and answer upon the party in the manner thereby directed, or, in case where the said Courts respectively shall deem fit, upon the receiver, steward, or other person receiving or remitting the rents of the lands or premises, if any, in the suit mentioned, returnable at such time as the said Courts respectively shall direct, shall be deemed good service of such party, and afterwards, upon an affidavit of such service had, to order an appearance to be entered for such party in such manner and at such time as the said Courts respectively shall direct, and that thereupon it shall and may be lawful for such Courts respectively to proceed upon such service so made as aforesaid as fully and effectually as if the same had been duly made within the jurisdictions of such Courts respectively.

II. That where it shall appear upon affidavit, to be made to the satisfaction of the said Courts respectively, that any defendant in any such suit as hereinbefore mentioned cannot by reasonable diligence be personally served with the subpoena to appear and answer, or that upon inquiry at his usual place of abode he could not be found so as to be served with such process, and that there is just ground for believing that such defendant secretes or withdraws himself so as to avoid being served with the process of such Court, then and in all such cases it shall and may be lawful for the Court to order that the service of the subpoena to appear and answer shall be substituted in such manner as the Court shall think reasonable and direct by such order.

CAP. LXXXIII.

AN ACT to amend an Act passed in the Third Year of His present Majesty, intituled, 'An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes.'

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Proceedings stayed on defendant's paying costs into court.*
2. *Defendant to give notice to plaintiff of his intention to proceed.*
3. *If plaintiff accepts the costs, all proceedings to be abandoned.*
4. *Executors, heirs, &c. may act in case of death.*
5. *Judges may, upon sufficient cause shewn, permit actions to be proceeded with.*
6. *As to previous claims.*

By this Act,

After noticing that by an Act, 2 & 3 Will. 4. c. 100, intituled, 'An Act for shortening the Time required in Claims of Modus Decimandi, or Exemption from or Discharge of Tithes,' certain provisions were made limiting the period within which in case of claims of a modus decimandi the payment or render of such modus, and in cases of claim of or to any exemption from discharge of tithes by composition real or otherwise, the enjoyment of the land without payment or render of tithes or modus or other matter in lieu thereof, should be shewn to have taken place: And that it was by the said Act further enacted, that nothing therein contained should be prejudicial or available to or for any plaintiff or defendant in any suit or action relative to any of the matters therein mentioned, then commenced, or which might be thereafter commenced during the then session of Parliament, or within one year from the end thereof: And that since the passing of the said Act a great number of suits have been instituted for the recovery of tithes, under the apprehension on the part of the plaintiffs that they would be precluded by the said Act from recovering the tithes to which they claim to be entitled unless they prosecuted their claims within periods limited by the said Act: And that it is deemed advisable to enable the defendants in such suits to cause all future proceedings therein to be suspended until the end of the next session of Parliament, upon the terms hereinafter expressed.

It is Enacted,

I. That from and after the passing of this Act it shall and may be lawful for the defendant or defendants in any action or suit which may have been commenced or instituted since the passing of the said recited Act for the recovery of tithes, or for the liquidating claims of a modus decimandi, or an exemption from or discharge of tithes, for lands in respect whereof no tithes, or any composition in lieu thereof, shall have been actually rendered or paid within the space of sixty years previous to the passing of this Act, with the consent of the plaintiff or plaintiffs in such action or suit, to pay the amount of the costs and expenses (to be taxed as between party and party) which may have been incurred by or on the part of the plaintiff or plaintiffs in

action or suit into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery or of the Court of Exchequer, or of the proper officer of the Court in which such action or suit shall have been brought, to the credit or on account of such action or suit; and in every case where such costs and expenses shall be so paid into court, all further proceedings in such action or suit (except as hereinafter provided) shall be stayed and suspended until the end of the next session of Parliament.

II. That from and after the end of the next session of Parliament it shall and may be lawful for the plaintiff or plaintiffs in any action or suit, in which the defendant or defendants shall have caused the proceedings to be stayed or suspended under the provision hereinbefore contained, to give notice to the defendant or defendants of his, her, or their intention to proceed in such action or suit and to proceed therewith accordingly; and then and in every such case the defendant or defendants shall, immediately after such notice shall have been so given, be entitled to receive out of court the sum or sums which such defendant or defendants shall have previously paid into court on account of the costs of the plaintiff or plaintiffs.

III. Provided, That it shall and may be lawful for the plaintiff or plaintiffs in any action or suit in which the defendant or defendants shall have paid into court the costs of such plaintiff or plaintiffs under the provision hereinbefore contained, to take the sum or sums which may have been so paid for such costs out of court, for his, her, or their own use, and then and in every such case all further proceedings in such action or suit shall be for ever abandoned and relinquished.

IV. That it shall and may be lawful for the successors, heirs, executors, administrators, or assigns of any plaintiff or plaintiffs, whose action or suit may be so stayed or suspended as aforesaid, to revive and proceed with such action or suit after the end of the next session of Parliament, or to take such costs as aforesaid out of court, and cause all further proceedings to be abandoned and relinquished, in the same manner in every respect as the original plaintiff or plaintiffs might or could have done.

V. Provided, That notwithstanding the provision hereinbefore contained it shall and may be lawful for any party to any action or suit so suspended, upon adducing sufficient proof to the satisfaction of a Judge of the Court in which such action or suit shall have been commenced that there is danger of some material evidence in support of the right or claim of such party being lost in consequence of such suspension, to proceed in such action or suit to the extent of proving such fact or facts the evidence respecting which shall be so shewn as aforesaid to be in danger of being lost through such suspension.

VI. Provided, That nothing in this Act contained shall prevent the prosecution of any suit in law or equity for the recovery of any tithes claimed or demanded previous to the passing of the said recited Act, or for the recovery of the value thereof.

CAP. LXXXIV.

AN ACT to apply a Sum of Money out of the Consolidated Fund and the Surplus of Grants to the Service of the Year One thousand eight hundred and thirty-four, and to appropriate the Supplies granted in this Session of Parliament.

(15th August 1834.)

By this ACT the Commons Granted, and it is Enacted,

I. That there shall and may be issued and applied, for or towards making good the supply granted to His Majesty for the service of the year 1834, the sum of 4,250,000*l.* out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland now or for the time being, or any three or more of them, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

II. That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any three or more of them for the time being, from time to time, by warrant under their hands, to cause or direct any number of Exchequer bills to be made out at the receipt of His Majesty's Exchequer at Westminster for any sum or sums of money not exceeding in the whole 4,250,000*l.*; and such Exchequer bills shall be made out in the same or like manner, form, and order, and according to the same or like rules and directions, as are directed and prescribed in and by an Act, 48 Geo. 3. c. 1, intituled, 'An Act for regulating the issuing and paying off of Exchequer Bills.'

III. That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited Act, 48 Geo. 3, shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully and effectually, to all intents and purposes, as if the said several clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities had been particularly repeated and re-enacted in the body of this Act.

IV. That the Exchequer bills to be made out in pursuance of this Act shall and may bear an interest not exceeding the rate of $\frac{3}{4}$ per centum per diem upon or in respect of the whole of the monies respectively contained therein.

V. That the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer bills as shall be made out in pursuance of this Act to be placed as so much cash in the respective offices of the Tellers of the Receipt of His Majesty's Exchequer at Westminster, each and every of the said Tellers shall be severally charged with the proportion of the said bills which shall be so placed in his office respectively as so much cash; any law or usage to the contrary notwithstanding.

VI. That the said Exchequer bills in the hands of the said Tellers shall be locked up and secured as cash, according to the receipt of the Exchequer at Westminster, and shall be taken and esteemed as so much in part of the remains in

real money wherewith each of the said Tellers shall from time to time stand charged, in common with other the monies in the said Exchequer, any law or usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from time to time to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

VII. That the principal sum or sums of money to be contained in all such Exchequer bills to be made forth by virtue of this Act, together with the interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland in the next succeeding quarter to that in which the said Exchequer bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, and they are hereby authorized, from time to time, by warrant under their hands, to direct the Auditor of the Receipt of the Exchequer at Westminster, in such manner as they shall think necessary, to issue unto such person or persons as shall be named in the said warrant, out of the growing produce of the said Consolidated Fund of the next succeeding quarter to that in which the said Exchequer bills have been issued, any sum or sums of money not exceeding in the whole a sum sufficient to discharge and pay off the principal sum or sums of money contained in such Exchequer bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such interest as may be due thereupon.

VIII. That it shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the receipt of the Exchequer at Westminster, upon the credit of the sum granted by this Act out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any sum or sums of money not exceeding in the whole the sum of 4,250,000*l.*; anything in an Act, 5 & 6 W. & M. c. 20, intituled, 'An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France,' or any other Act or Acts to the contrary notwithstanding.

IX. There shall be issued and applied towards the supply 562,162*l.* 11*s.* 3*d.*, being the surplus of Ways and Means for the years 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832-3, and 1833-4.

X. Monies coming into the Exchequer by 4 Will. 4. c. 2; 14,000,000*l.* by Exchequer bills, 4 Will. 4. c. 3; monies coming in by 4 Will. 4. c. 6; monies coming in by 4 Will. 4. c. 11; monies coming in by 4 Will. 4. c. 12; 14,384,700*l.* by Exchequer bills, 4 & 5 Will. 4. c. 58; and 4,250,000*l.* and 562,162*l.* 11*s.* 3*d.* by this Act, shall be applied as hereafter expressed.

XI. There shall be applied 4,578,009*l.* for Naval services; viz. 958,761*l.* for wages to 27,500 seamen and marines, &c.; 396,561*l.* for victuals for seamen, &c. in the Navy; 104,551*l.* for salaries, &c. of the Admiralty Office; 21,720*l.* for the Navy Pay Office; 20,885*l.* for the scientific departments of the Navy; 119,168*l.* for Naval establishments at home; 22,633*l.* for Naval establishments abroad; 348,019*l.* for wages of artificers at home; 25,512*l.* for wages of artificers abroad; 421,990*l.* for Naval stores; 74,980*l.* for new works, in yards; 25,641*l.* for medicines, &c.; 36,154*l.* for Naval miscellaneous services; 847,360*l.* for Naval half-pay; 530,348*l.* for military pensions; 230,258*l.* for civil pensions; 180,115*l.* for freight of ships for Army and Ordnance Department; 113,360*l.* for conveying convicts to New South Wales; 100,000*l.* for pay due to warrant and petty officers and to seamen and marines.

XII. There shall be applied 6,497,902*l.* 17*s.* 10*d.* for Land Forces; viz. 3,056,873*l.* 18*s.* 11*d.* for forces in United Kingdom and stations abroad (except the East Indies); 120,848*l.* 18*s.* 6*d.* for general staff officers, &c.; 90,313*l.* 4*s.* 5*d.* for allowances to officers, &c. of public departments; 6,977*l.* 8*s.* 3*d.* for Royal Military Asylum; 82,179*l.* for volunteer corps; 16,547*l.* 12*s.* 10*d.* for rewards for distinguished military services; 114,000*l.* for certain general officers; 82,000*l.* for full pay for retired officers; 607,000*l.* for half-pay; 81,240*l.* for half-pay to officers of disbanded foreign corps; 147,600*l.* for pensions to widows; 164,500*l.* for Compassionate List, &c.; 1,327,848*l.* 7*s.* 2*d.* for Chelsea and Kilmainham Hospitals; 47,000*l.* for superannuations in public departments; 271,563*l.* 7*s.* 1*d.* for the Commissariat; 51,118*l.* 6*s.* 2*d.* for half-pay and pensions of Commissariat; 230,293*l.* 14*s.* 6*d.* for disembodied regular and local Militia.

XIII. There shall be applied 1,166,914*l.* for Ordnance Department; viz. 70,562*l.* for Ordnance at the Tower, &c.; 8,178*l.* for the departments at Woodtick; 15,337*l.* for Ordnance establishments at home; 26,998*l.* for those abroad and in Ireland; 36,194*l.* for the Barrack department; 5,000*l.* for master gunners; 75,411*l.* for the corps of Royal Engineers, Sappers, &c.; 276,277*l.* for the Royal Regiment of Artillery; 35,971*l.* for brigade of Royal Horse Artillery; 602*l.* for the Field Train department; 10,198*l.* for the medical establishment of the Ordnance; 30,738*l.* for superintendence, repairs, &c.; 29,743*l.* for the extraordinaries of the Ordnance; 28,076*l.* for building barracks; 74,404*l.* for Ordnance extraordinaries; 65,034*l.* for barrack masters' expenditure; 129,582*l.* for military and civil contingencies; 55,000*l.* for the Ordnance branch; 20,000*l.* for stores for foreign works; 3,514*l.* for Ordnance services; 1,747*l.* for Exchequer fees; 168,498*l.* for Ordnance superannuations, retired allowances, pensions, &c.

XIV. There shall be issued 27,752,650*l.* to pay off Exchequer bills charged on the aids of 1833 or 1834;

XV. And also 632,050*l.* to pay off Exchequer bills for carrying on public works, &c.

XVI. There shall be applied 1,940*l.* for civil establishment of the Bahama Islands; 4,249*l.* 13*s.* 4*d.* for Bermuda; 3,190*l.* for Prince Edward's Island; 12,861*l.* 13*s.* 6*d.* for Western Africa; 14,870*l.* 18*s.* 6*d.* for ecclesiastical establishment of British North American provinces, &c.; 5,806*l.* 5*s.* for Western Australia; 20,000*l.* for the Indian Department in Upper and Lower Canada.

XVII. There shall be applied 17,017*l.* for the British Museum; 22,500*l.* to revising barristers under 2 Will. 4. c. 45; 11,530*l.* for the National Gallery for 1834; 42,721*l.* for repairs of public buildings and furniture of public offices; 10,000*l.* for Kingston Harbour; 3,742*l.* for Donaghadee Harbour; 3,922*l.* for Holyhead Road; 8,000*l.* for new buildings at the British

Museum; 57,000*l.* for Windsor Castle; 13,000*l.* for erecting a National Gallery; 17,000*l.* for repairing Westminster Hall; 6,700*l.* for erecting revenue buildings at Bristol; 44,500*l.* for the officers of the Houses of Lords and Commons; 25,000*l.* for the expenses of both houses; 41,000*l.* for Fee Fund at the Treasury; 10,598*l.* for ditto at Home Office; 13,357*l.* at the Foreign Office; 9,737*l.* at the Colonial Office; 18,658*l.* at the Privy Council Office; 2,000*l.* for salary to the Lord Privy Seal; 7,500*l.* for contingencies at the Treasury; 5,695*l.* for contingencies in the Home Department; 39,000*l.* for contingencies in the Foreign Department; 7,100*l.* for contingencies in the Colonial Department; 2,232*l.* for contingencies at the Privy Council, &c.; 3,700*l.* for messengers at the Treasury and Exchequer; 2,006*l.* for certain Professors at Oxford and Cambridge; 12,300*l.* for Insolvent Debtors' Court; 1,568*l.* for superintendence of Aliens, &c.; 15,563*l.* for the Penitentiary at Millbank; 580*l.* for Office of Registrar of Colonial Slaves; 4,566*l.* for expenses of State Paper Office, &c.; 800*l.* for expenses of Commission of Common Law Inquiry; 16,200*l.* for Commissioners for preventing the Slave Trade, &c.; 5,709*l.* for salaries of Factory Inspectors, under 3 & 4 Will. 4. c. 103; 58,858*l.* for retired allowances to public officers; 12,230*l.* for relief to Toulonese and Corsican emigrants, Dutch naval officers, and St. Domingo sufferers, &c.; 1,323*l.* for the Vaccine establishment; 3,000*l.* for the Refuge for the Destitute; 3,137*l.* 5*s.* 2*d.* for maintaining criminal lunatics; 4,990*l.* for dissenting ministers, poor French refugee clergy, &c.; 57,600*l.* for secret services; 56,000*l.* for printing for Parliament; 131,918*l.* for stationery, &c. for public departments, and for paper for printing for Parliament; 10,000*l.* for the Mint; 8,000*l.* for prosecutions relating to the coin; 11,000*l.* for law charges; 73,662*l.* for maintaining convicts at home and in Bermuda, &c.; 20,000*l.* for support of captured negroes; 130,000*l.* for convicts at New South Wales, &c.; 10,000*l.* for Commissioners of Public Records; 5,000*l.* for fees for Turnpike Acts; 20,000*l.* for erection of schoolhouses in England; 130,000*l.* for civil contingencies; 28,000*l.* for Rideau and Ottawa Canals; 16,667*l.* for salaries to governors, &c. in the West India colonies; 30,000*l.* for salaries of special Justices under 3 & 4 Will. 4. c. 73; 1,457*l.* 15*s.* for salaries for seven agents of emigration; 60,000*l.* to officers, seamen, &c. present at Navarin; 5,000*l.* for a grant to Captain Ross; 95,486*l.* for salaries of Consul, &c. at Canton; 54,800*l.* for Scottish universities, &c.; 2,500*l.* for Egyptian antiquities, now the property of Mr. J. Sams; 10,000*l.* for erecting of schoolhouses in Scotland, and model schools in England; 125,284*l.* 6*s.* 6*d.* for East India Company; 99,000*l.* for civil and military establishments in St. Helena; 24,900*l.* for Commissioners of Municipal Corporations in Great Britain and Ireland; 10,000*l.* for relieving the distressed Poles in this country; 12,730*l.* to Baptist and Wesleyan missionary societies, &c.; 20,000*l.* for steam navigation to India; 1,310*l.* 5*s.* for fossil organic remains, the property of Mr. T. Hawkins; 7,000*l.* for prison buildings at Dartmoor.

XVIII. There shall be applied 20,000*l.* for education in Ireland; 18,919*l.* for the Foundling Hospital in Dublin; 20,000*l.* for the House of Industry, &c.; 400*l.* for the Hibernian Marine Society; 1,000*l.* for the Female Orphan House, Dublin; 2,500*l.* for the Westmoreland Lock Hospital; 1,200*l.* for the Lying-in Hospital; 1,500*l.* for Dr. Stevens' Hospital; 3,800*l.* for the Fever Hospital, &c.; 500*l.* for Hospital for Incurables; 8,978*l.* for Roman Catholic College in Ireland; 5,300*l.* for the Royal Dublin Society; 300*l.* for the Royal Irish Academy; 300*l.* for the Royal Hibernian Academy; 3,500*l.* for Royal Belfast Academical Institution; 15,000*l.* for the advancement of education in Ireland; 78,500*l.* for criminal prosecutions in Ireland.

XIX. There shall be applied 700*l.* for Board of Charitable Bequests; 13,000*l.* for the Board of Works; 22,000*l.* for Secretaries to Lord Lieutenant, &c. of Ireland; 12,232*l.* for salaries, &c. heretofore paid out of the Civil List; 6,827*l.* for the offices of the Vice Treasurer and Teller of the Exchequer in Ireland; 4,100*l.* for printing proclamations and statutes; 25,100*l.* for dissenting ministers; 60,000*l.* for criminal prosecutions; 7,000*l.* for the police of Dublin; 3,565*l.* for public works; 5,473*l.* for Dunmore Harbour; 3,000*l.* for Townland survey of Ireland; 2,500*l.* for Compensation to Sir A. B. King; 13,000*l.* for roads in Galway.

XX. Supplies to be applied only for the purposes aforesaid.

XXI. Rules to be observed in the application of the sum appropriated to half-pay.—Not to prevent the receiving of half-pay under any Act relating to the general or local Militia, &c.

XXII. Paymaster General, by permission of the Treasury, may issue half-pay to officers appointed to civil offices since July 1822.—An account of the number of officers so receiving half-pay to be laid before Parliament.

XXIII. Treasury may authorize military officers in civil employments to receive half pay in certain cases.

XXIV. Persons concerned in issuing, paying, and receiving money for the payment of half-pay, without the oaths having been taken as required, indemnified.

XXV. Half-pay allowed to the officers of the Manx Fencibles.

XXVI. Half-pay allowances to chaplains of regiments not being in possession of ecclesiastical benefices derived from the Crown.

XXVII. By 3 & 4 Will. 4. c. 96, a sum was appropriated to be paid to half-pay officers, the surplus of which is hereby authorized to be disposed of as His Majesty shall direct.

XXVIII. Widows and persons claiming pensions or allowances shall take the required oath.—By whom the oath to be administered.

CAP. LXXXV.

AN ACT to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in *England*.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Licences to be granted for sale of beer, but not to authorize consumption thereof on the premises unless granted upon certificate.
2. Every person applying for a licence to sell beer to be drank on the premises to deposit with the Commissioners of Excise a certificate of good character signed by six rated inhabitants of the parish, &c. and certified by one of the overseers.
3. If not ten rated inhabitants in the place the certificate of the majority of them.—Penalty on overseers refusing to certify as required.
4. Permitting drinking beer in a neighbouring house or in any shed, &c. with intent to evade the provisions of the Act, to be deemed drinking on the premises.
5. To what persons provisions for billeting soldiers under Mutiny Acts shall extend.
6. Justices of the Peace to regulate the times of opening and closing houses.—Appeal.—Proviso as to the hours to be fixed for opening and closing houses.
7. Empowering constables, &c. to visit licensed houses.
8. Penalty for making or using false certificates.—Licences obtained on false certificates to be void.
9. No licence for beer to be drank on the premises to be granted without a certificate.
10. Retailers compellable to produce their licences on requisition of two Magistrates.
11. The powers, provisions, and penalties of 1 Will. 4. c. 64, to apply to persons licensed under this Act, and to their sureties, &c.
12. Recited Act to continue in force, except as hereby altered.
13. Duties on beer licences under 1 Will. 4. c. 64, repealed, and new duties granted in lieu thereof.
14. Such duties to be under the management of Commissioners of Excise, and to be recovered and accounted for under the provisions of recited Act.
15. Not to affect duty on licences to retail cider and perry; but such licences to state particulars.
16. Licences under this Act not to authorize persons to hold licences for sale of wine.—Penalty on persons licensed under this Act permitting wine or spirits to be consumed on the premises.
17. Penalty on unlicensed persons selling beer and cider by retail to be drank off the premises, 10l.; to be drank on the premises, 20l.
18. The board over the door to state "Not to be drank on the premises," or "To be drank on the premises."
19. What is a retailing of beer, cider, or perry.
20. Persons licensed to sell beer or cider under this Act liable to penalties for selling spirits or wine without licence.
21. Certificate not to be required for houses in certain situations if population exceed 5,000.
22. Service of summons or order.
23. Commencement of Act, 10th of October 1834.

By this Act,

After reciting that much evil has arisen from the management and conduct of houses in which beer and cider are sold by retail under the provisions of an Act, 1 Will. 4. c. 64, intituled 'An Act to permit the general Sale of Beer and Cider by Retail in England,' and that it is expedient to amend the provisions of the said Act in certain particulars:—

It is Enacted,

I. That from and after the commencement of this Act it shall be lawful for the Commissioners of Excise, or other persons duly authorized, to grant licences for the sale of beer, ale, porter, cider, or perry, under the provisions of the said recited Act, to any person applying for the same, but that such licence shall not authorize the person obtaining it to sell beer or cider to be drank or consumed in the house or on the premises specified in the same licence, unless the same be granted upon the certificate hereinafter required.

II. That every person applying for a licence to sell beer or cider by retail, intending the same to be drank in the house or on the premises, shall, in addition to the application setting forth the particulars required by the said recited Act annually produce to and deposit with the Commissioners of Excise, collector, supervisor, or other person authorized to grant such licence within the parish, township, or place in which the person so applying intends to sell beer or cider by retail a certificate signed by six persons residing in and being and describing themselves to be inhabitants of such parish, township, or place, and respectively rated therein to the poor at not less than 6l., or occupying a house therein rated the poor at not less than 6l., none of whom shall be maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cider by retail, nor owners or proprietors of any house or houses licensed to sell such liquors or beer or cider by retail, stating that the person applying for the licence is of good character, and that at the foot of such certificate one of the overseers of the parish, township, or place shall certify (if the fact be so) that such six persons are inhabitants respectively rated as aforesaid; and such certificate and licence shall respectively be in the forms of the Schedules

assented to this Act: Provided always that in any parish, township, or district maintaining its own poor in which there are not ten inhabitants rated to the relief of the poor to the amount of 6*l.* each, or not occupying houses respectively rated to the poor at 6*l.* each, (not being maltsters, common brewers, or persons licensed to sell spirituous liquors or beer or cider by retail,) the certificate of the majority of such inhabitants of such parish, township, or district maintaining its own poor, as are rated to the amount of 6*l.* each, shall be deemed to be a sufficient certificate for the purposes of this Act.

III. That if any overseer of any parish, township, or place shall, after application made to him by or on behalf of the person applying for the licence required by this Act, refuse or neglect to certify, if the fact be so, that the persons who have signed such certificate are inhabitants rated respectively as aforesaid, he shall forfeit and pay any sum of money not exceeding 5*l.*, to be recovered before any Justice of the Peace acting for the county in which such parish, township, or place shall be situate, on complaint of the person by whom the application shall have been made, unless such overseer of the poor shall shew to the satisfaction of such Justice reasonable cause for such neglect or refusal.

IV. That if any person licensed to sell beer or cider not to be consumed upon the premises shall, with intent to evade the provisions of this Act, take or carry, or authorize or employ or permit or suffer any person to take or carry, any beer or cider out of or from the house or premises of such licensed person for the purpose of being sold on his account, or for his benefit or profit drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever belonging to such licensed person, or hired, used, or occupied by him, such beer or cider shall be deemed and taken to have been drunk or consumed upon the premises, and the person selling the same shall be subject to the like forfeitures and penalties as if such beer or cider had been actually drunk or consumed in any house or upon any premises licensed only for the sale thereof as aforesaid.

V. That the provisions in respect of billeting soldiers in victualling houses contained in any Act of Parliament for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall extend only to such persons licensed under this and the said recited Act as shall be licensed to sell beer or cider to be drunk or consumed in the house or on the premises, and shall not extend or be deemed or construed to extend to such persons as shall be licensed to sell beer or cider not to be consumed on the premises; anything in the said recited Act or this Act to the contrary notwithstanding.

VI. That it shall be lawful for the Justices of the Peace of every county, riding, division, franchise, liberty, city, town, and place, in petty sessions assembled, and they are hereby required, to fix once a year, within thirty days after the passing of this Act in this year, and in every future year, in the counties of Middlesex and Surrey within the first ten days of the month of March, and in every other county on some day between the 20th day of August and the 14th day of September inclusive, the hours at which houses and premises licensed to sell beer under this Act shall be opened and closed: Provided always, that any person thinking himself aggrieved by any such order to be so made may appeal to the Justices of the Peace in Quarter Sessions assembled, at any time within four calendar months after the making of such order, giving to the Justices by whom such order shall have been made fourteen days notice of his intention to appeal, and the decision of the said Justices so assembled in Quarter Sessions shall be final and conclusive: Provided also, that the hour so to be fixed for opening any such house shall not in any case be earlier than five of the clock in the morning, nor for closing the same later than eleven of the clock at night, or before one o'clock in the afternoon on Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and the hours so fixed from time to time by such Justices, with reference to the districts and places within their respective jurisdictions, shall be deemed and taken to be the hours to be observed and complied with under this Act as fully as if the same had been specially appointed by this Act.

VII. That it shall be lawful for all constables and officers of police, and they are hereby authorized and empowered, to enter into all houses which are or shall be licensed to sell beer or spirituous liquors to be consumed upon the premises when and so often as such constables and officers shall think proper; and if any person having such licence as aforesaid, or any servant or other person in his employ or by his direction, shall refuse to admit or shall not admit such constable or officer of police into such house or upon such premises, such person having such licence shall for the first offence forfeit and pay any sum not exceeding 5*l.*, together with the costs of the conviction, to be recovered within twenty days next after that on which such offence was committed before one or more Justices of the Peace; and it shall be lawful for any two or more Justices before whom any such person shall be convicted of such offence for the second time to adjudge (if they shall so think fit) that such offender shall be disqualified from selling beer, ale, porter, cider, or perry by retail for the space of two years next after such conviction, or for such shorter space of time as they may think proper.

VIII. That if any person shall, in any certificate required by this Act, certify any matter as true, knowing the same to be false, or shall make use of any certificate for the purposes of this Act, knowing such certificate to be forged, or the matters certified therein to be false, every such person shall, on conviction of such offence before two or more Justices of the Peace, forfeit and pay the sum of 20*l.*; and every licence for the sale of beer or cider by retail which shall be granted to any person who shall have made use of any such certificate in order to obtain the same, such person knowing such certificate to be forged, or the matters certified therein to be false, shall be void to all intents and purposes; and any person who shall have made use of such certificate shall for ever hereafter be disqualified from obtaining a licence to sell beer or cider by retail under the provisions of the said recited Act or this Act.

IX. That no licence for the sale of beer or cider by retail to be consumed or drank in the house or on the premises shall be granted except upon the certificate hereby required: Provided always, that in all extra-parochial places the certificate required by this Act may be signed and given by inhabitants rated to the poor at 6*l.* in any adjoining parish or parishes.

X. That in case any complaint shall be laid before two Justices of the Peace against any person licensed for any offence against the tenor of his licence, or against this Act or the said recited Act, it shall be lawful for the said Justices (if they shall think fit) to require such person to produce his licence before them for their examination; and if such person shall wilfully neglect or refuse so to do he shall forfeit and pay for such offence such sum, not exceeding 5*l.*, as the said Justices

shall think proper; and such person shall and may be convicted, proceeded against, and dealt with for such offence in all respects in the same manner, *mutatis mutandis*, as is directed by the said recited Act with regard to persons guilty of a first offence against the said Act; and the penalty imposed for such offence shall be applied in the same manner as a penalty for a first offence against the said Act is thereby directed to be applied.

XI. That all the powers, regulations, proceedings, forms, penalties, forfeitures, and provisions contained in the said recited Act with reference to persons licensed under the said Act, and to the offences committed by such persons against the said Act, or against the tenor of any licence granted under the said Act, and also with reference to the sureties of such persons, and to persons doing the things thereby prohibited without the licence required by the said Act, shall (except where they are altered by this Act or are repugnant thereto) be deemed and taken to be applicable to all persons licensed under this Act, and to all offences committed by such persons of the same description as the offences mentioned in the said Act, and to the sureties of all such persons in respect of such offences, and to all persons doing, without the licence required by this Act, things of the same description as the things prohibited without the licence required by the said Act, as fully and effectually as if all the said powers, regulations, proceedings, forms, penalties, forfeitures, and provisions had been repeated and re-enacted in this Act, with reference to persons licensed under this Act, and to the sureties of such persons, and to persons acting without the licence required by this Act; and also that all the powers, regulations, and provisions in the said Act contained, authorizing any party convicted to appeal to the General Session or Quarter Sessions of the Peace against any conviction under the said Act, shall also extend and apply to any convictions under this Act.

XII. That all the provisions of the said recited Act shall be deemed and taken to be in full force, save and except where the same are altered by this Act; and that so much of the said Act as relates to the interpretation of certain words therein mentioned shall be applied to the interpretation of the same words where used in this Act.

XIII. That from and after the passing of this Act the duties payable on Excise licences for the selling of beer by retail under the provisions of the said recited Act shall cease and determine, and that in lieu of such duties there shall be levied, collected, and paid upon the licences hereby authorized to be granted the duties following: (that is to say,)

For and upon every Licence to be taken out by any person for the selling by Retail of Beer not to be drank or consumed in or upon the House or Premises where sold, the annual sum of 1*l.* 1*s.*:

For and upon every Licence to be taken out by any Person for the selling by Retail of Beer to be drank or consumed in or upon the House or Premises where sold, the annual sum of 3*l.* 3*s.*

XIV. That the said last-mentioned duties shall be under the management of the Commissioners of Excise, and shall be raised, levied, collected, and recovered, and accounted for and paid in the same manner and by the same means, and under the same regulations and provisions, pains, penalties, and forfeitures, as are prescribed in the said recited Act with respect to the duties hereby repealed; all which said regulations and provisions, pains, penalties, and forfeitures, shall apply to the duties hereby imposed, and shall be enforced in respect of the same as fully and effectually as if repeated and re-enacted in this Act.

XV. Provided always, That nothing herein contained shall affect, or be deemed or construed to affect, the amount of duty payable according to the provisions of the said recited Act on licences to retail cider and perry; but in every such licence shall be specified whether the same is granted for the sale of cider and perry by retail to be drank or consumed not in or upon the house or premises where sold, or for the retail of cider and perry to be drank and consumed in or upon the house and premises where sold.

XVI. That no licence to be granted under the said recited Act and this Act for the sale of beer or cider shall authorize any person to take out or hold any licence for the sale of wine, spirits, or sweets or made wines, or mead or metheglin; and if any person licensed under the said recited Act and this Act to sell beer or cider shall permit or suffer any wine or spirits, sweets or made wines, mead or metheglin, to be brought into his house or premises to be drank or consumed there, or shall suffer any wine, spirits, sweets, mead or metheglin, to be drank or consumed in his house or premises by any person whomsoever, such person shall, over and above any Excise penalty or penalties to which he may be subject, forfeit 20*l.*, to be recovered, levied, mitigated, and applied in the same manner as other penalties (not being Excise penalties) are by this Act to be recovered, levied, mitigated, and applied.

XVII. That every person not being duly licensed to sell beer, cider, and perry as the keeper of a common inn, alehouse, or victualling house who shall sell any beer or cider or perry by retail not to be drank or consumed in or upon the house or premises where sold, without having an Excise retail licence in force authorizing him so to do, shall forfeit 10*l.*; and every person not being duly licensed to sell beer, cider, and perry as the keeper of a common inn, alehouse, or victualling house who shall sell any beer, cider, or perry by retail to be drank or consumed in or upon the house or premises where sold, without having an Excise retail licence in force authorizing him so to do, whether such person shall or shall not be licensed to sell beer to be drank or consumed off the premises where sold, shall forfeit 20*l.*: which said penalties shall be sued for and recovered, mitigated and applied by the same means and under the same provisions as any other penalty may be sued for and recovered, mitigated and applied, under any law or laws of Excise.

XVIII. That every person who shall be licensed to sell beer or cider or perry by retail, under the authority of the said recited Act and this Act, shall, on the board by the said Act required to be placed over the door of every person licensed under the same, paint or cause to be painted and kept thereon, after the words "Licensed to sell Beer or Cider by Retail," the additional words "Not to be drank on the Premises," or "To be drank on the Premises," as the case may be, on pain of forfeiting the penalty by the said Act imposed for not having such board affixed and continued over the door.

And after noticing that doubts are entertained as to what is a selling of beer or cider or perry by retail—

It is Enacted,

XIX. That every sale of any beer, or of any cider or perry, in any less quantity than four gallons and a half, shall be deemed and taken to be a selling by retail.

And after noticing that doubts have been entertained whether persons licensed to sell beer or cider under the said Act, 1 Will. 4, who shall sell spirits or wine, or sweets or made wines, or mead or metheglin, without being licensed so to do, are liable to the penalties imposed by the laws of Excise for selling spirits or wine, or sweets or made wines, or mead or metheglin without licence :—

It is Enacted,

xx. That all persons licensed under the said recited Act and this Act, selling wine or spirits, or any sweets or made wines, or mead or metheglin, shall be liable to and shall incur all the penalties imposed by the laws of Excise for selling spirits or wines, sweets or made wines, mead or metheglin, without licence.

xxi. Provided, That such certificate shall not be required as to any house situated within the cities of London and Westminster, or within any parish or place within the bills of mortality, nor within any city or town corporate, nor within the distance of one mile from the place used at the last election as the place of election or polling place of any town returning a member or members to Parliament, provided that the population, to be determined according to the last parliamentary census that shall have been taken in such city, town corporate, or town returning a member or members to Parliament, shall exceed 5000: Provided always, that no licence for the sale of beer, ale, porter, cider, or perry by retail on the premises in the cities of London and Westminster, or in any parish or place within the bills of mortality, or in any such city or town corporate, or town returning a member or members to Parliament as hereinbefore mentioned, shall be granted from and after the 5th of April 1836, unless the house or premises required to be specified as the house or premises in which beer or cider is intended to be sold shall be of the value of 10*l.* per annum.

xxii. Provided, That no summons or order issued by any Justice of the Peace or other magistrate shall be deemed to be legally served unless it shall be served by some constable, special constable, police or other peace officer.

xxiii. That this Act shall commence and take effect from and after the 10th October 1834.

SCHEDULE to which the foregoing Act refers.

FORM OF CERTIFICATE.

WE, the undersigned, being Inhabitants of the Parish [or Township, as the Case may be,] of _____ and respectively rated to the Poor at not less than Six Pounds per Annum, and none of us being Maltsters, Common Brewers, or Persons licensed to sell Spirituous Liquors, or being licensed to sell Beer or Cider by Retail, do hereby certify, That A.B., dwelling in _____ Street [here specify the Street, Lane, &c.] in the said Parish [or Township, &c.] is a Person of good Character.

[Here insert the Day of signing the Certificate.]

(Signed)

E.F.
G.H.
I.K.
L.M.
N.O.
P.Q.

[Here state the Residence of each of the Persons signing.]

I do hereby certify, That all the above-mentioned Persons whose Names are subscribed to this Certificate are Inhabitants of the Parish [or Township, &c.] of _____ rated to Six Pounds to the Relief of the Poor of the said Parish.

C.D.

[Overseer of the Parish or Township, &c.]

Date.

FORM OF LICENCE.

WE, the undersigned, being _____ of the Commissioners of Excise [or I, the undersigned, being a Person authorized and employed by the Commissioners of Excise to grant Licences for selling Beer, Ale, and Porter [or Cider and Perry, as the Case may require,] by Retail, or being a Collector or Supervisor of Excise for the Collection or District of _____] do hereby authorize and empower A.B. now being a Householder, and dwelling in a House in _____ [here specify Street, &c.] in the Parish [or Township, &c.] of _____ within the Limits of the said Collection or District], to sell Beer, Ale, and Porter [or Cider and Perry by Retail, in order that it may be consumed in the said Dwelling House of the said A.B. and in the Premises thereunto belonging, the said A.B. having duly entered into a Bond with D.S. of _____ and E.S. of _____ as his [or her] Surety [or Sureties], and having deposited a Certificate, signed by Six Persons, videlicet, [here set out the Names and Residences of the Persons signing the Certificate,] and by C.D. the Overseer of the said Parish [or Township, &c.] according to the Statute in such Case made; provided and upon Condition that the said A.B. do not sell any Beer, Ale, or Porter made otherwise than from Malt and Hops [omit these Words in Licences to retail Cider and Perry], nor mix or cause to be mixed any Drugs or other pernicious Ingredients in any Beer, Ale, or Porter [or in any Cider or Perry], nor fraudulently dilute, deteriorate, or adulterate any Beer, Ale, or Porter [or any Cider or Perry,] nor sell any Beer, Ale or Porter [or any Cider or Perry], knowing the same to have been fraudulently diluted, deteriorated, or adulterated, nor use, in selling any Beer, Ale, or Porter

[or any Cider or Perry.] any Measures which are not of the legal Standard, or wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct in his [or her] House or Premises, nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein, but do maintain good Order and Rule therein, nor have or keep his [or her] House or Premises open for the Sale of Beer, Ale, or Porter [or Cider or Perry], nor sell any Beer, Ale, or Porter [or Cider or Perry], nor suffer the same to be drunk or consumed in or at such House or Premises at any Time which, by any Order of the Justices of the Peace made in pursuance of an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in England,' shall be declared to be unlawful, or at any Time before the Hour of One in the Afternoon, or between the Hours of Three and Five of the Clock in the Afternoon, or after the Hour of Ten of the Clock in the Evening, on any Sunday, Good Friday, Christmas Day, or any Day appointed for a Public Fast or Thanksgiving; and [in Cases where the Licence shall be granted for Beer or Cider to be consumed on the Premises.] all Provisions for billeting Officers and Soldiers in Victualling Houses contained in any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, are to extend and apply to the House and Premises mentioned in this Licence; and this Licence shall continue in force from the Day of

next until the Day of then next ensuing, and no longer; provided and upon Condition, that the said A.B. shall not in the meantime become a Sheriff's Officer or Officer for executing the Process of any Court of Justice; nor shall the said A.B. in the meantime cease to be rated to the Relief of the Poor in respect of the said House and Premises; and this Licence shall cease and determine and shall become void in case any of the Conditions or Regulations contained therein shall be transgressed, or shall not be observed by the said A.B. Given under our Hands and Seals [or my Hand and Seal this Day of One thousand eight hundred and at

CAP. LXXXVI.

AN ACT to explain certain Provisions in an Act of the Third and Fourth Years of His present Majesty, to provide for the Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs.

(15th August 1834.)

By this Act,

After reciting that by an Act, 3 & 4 Will. 4. c. 77, intituled, 'An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs,' it was *inter alia*, provided, that the burghs or towns of Paisley, Greenock, Leith, and Kilmarnock should be divided into wards or districts, which, together with the number of councillors to be chosen by each such ward or district, should be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the condition of the several burghs and towns of Scotland; in pursuance of which enactment the subdivision of the said burghs or towns into wards or districts, and the number of councillors to be annually elected in each of the said wards or districts, was duly reported by the said Commissioners to His Majesty's Privy Council, and thereafter published by royal proclamation, bearing date the 16th of October 1833: And that by the said Act it was further enacted, that upon the first Tuesday of November 1834, and upon the same day in every succeeding year, the electors should, in like manner, in the said burghs or towns of Paisley, Greenock, Leith, and Kilmarnock, in their several wards or districts, assemble and elect, in manner thereinbefore prescribed in relation to the first election under the said Act, one-third part, or as nearly as may be one-third part of the council of each such burgh or town in the place of the third thereof who should as thereafter directed go annually out of office, the wards or districts into which the burghs or towns divided into wards or districts are divided then electing such number of councillors as by the said Royal Commissioners such wards or districts should be directed to elect at such annual elections subsequent to the first election: And that it was thereby further enacted, that upon the said first Tuesday of November 1834, and in every succeeding year, one-third, or a number as near as may be to one-third, of the whole council of each such burgh shall go out of office, and in the said year 1834 the third who should go out should consist of the councillors who had the smallest number of votes at the election of councillors in the year 1833; and in the succeeding year 1835 the third of the councillors first elected under the said Act who should go out should consist of the councillors who at such first election under the said Act had the next smallest number of votes (the majority of the council always determining, when the votes for any such person should have been equal, who should be the persons to retire); and thereafter the third of the councillors so annually going out of office should always consist of the councillors who had been longest in office; provided always, that any councillors so going out of office should be capable of being immediately re-elected: And that doubts have been entertained as to the true meaning and legal effect of the above last-recited clause of the said Act, and it is fit that all hazard of dispute and litigation thereon arising should be removed:—

It is Enacted,

That at the second election of councillors, to take place on the first Tuesday of November after the passing of this Act, in each of the wards or districts, in terms of the said recited Act and the said royal proclamation, there shall go out of office an equal number of councillors with those then to be elected, which councillors so going out shall be those who at the first election in such wards or districts respectively had the smallest number of votes; and that at the third election of councillors, to take place on the first Tuesday of November 1835, in each of such wards or districts, in terms of the said recited Act and royal proclamation, there shall go out of office an equal number of councillors with those then to be elected, which councillors so going out shall be those who in such wards or districts respectively had the next smallest number of votes at the said first election.

CAP. LXXXVII.

AN ACT to explain certain Provisions of an Act of the Third and Fourth Years of the Reign of His present Majesty, to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland*.

(15th August 1834.)

By this ACT,

After reciting that by an Act, 3 & 4 Will. 4. c. 76, intituled, 'An Act to alter and amend the Laws for the Election of the Magistrates and Councils in the Royal Burghs, Scotland,' it was, *inter alia*, provided, that certain royal burghs contained in the Schedule marked (C.) thereunto annexed should be divided into wards or districts, which, together with the number of councillors to be chosen by each such ward or district, should be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the condition of the several burghs and towns of Scotland: And that, in pursuance of the said enactment, the subdivision of the said royal burghs into wards or districts, and the number of councillors to be annually elected in each of such wards or districts, was duly reported by the said Commissioners to His Majesty's Privy Council, and thereafter published by royal proclamation, bearing date 16th of October 1833, in terms of the aforesaid Act: And that by the said recited Act it was further enacted, that upon the first Tuesday of November 1834, and in every succeeding year, the electors in such burghs, *videlicet*, the burghs contained in the said Schedule (C.), in their several wards or districts, should assemble and elect one third part, or as nearly as might be one third part of the council of such burghs in the place of the third thereof who should, as thereafter directed, go annually out of office, the wards or districts into which the burghs contained in the said Schedule (C.) are divided then electing such number of councillors as by the said Royal Commissioners such wards or districts should be directed to elect at such annual election subsequent to the first election: And that it was thereby further enacted, that upon the said first Tuesday of November 1834, and in every succeeding year, one third, or a number as near as might be to one third of the whole council of each such burgh, should go out of office, and in the said year 1834 the third who should go out should consist of the councillors who had the smallest number of votes at the election of councillors in the year 1833; and in the succeeding year 1835 the third of the councillors first elected under this Act who should go out should consist of the councillors who at such first election under the said recited Act had the next smallest number of votes (the majority of the council always determining, where the votes for any such person should have been equal, who should be the persons to retire); and thereafter the third of the councillors so annually going out of office should always consist of the councillors who had been longest in office; provided always, that any councillors so going out of office should be capable of being immediately re-elected: And that doubts have been entertained as to the true meaning and legal effect of the above last-recited provision of the said Act, and it is fit that all hazard of dispute and litigation thereon arising should be removed:—

It is Enacted,

That at the second election of councillors, to take place on the first Tuesday of November next after the passing of this Act, in each of the wards or districts, in terms of the said recited Act and the said royal proclamation, there shall go out of office an equal number of councillors with those then to be elected, which councillors so going out shall be those who at the first election in such wards or districts respectively had the smallest number of votes; and that at the third election of councillors, to take place on the first Tuesday of November 1835, in each of such wards or districts, in terms of the said recited Act and royal proclamation, there shall go out of office an equal number of councillors with those then to be elected, which councillors so going out shall be those who in such wards or districts respectively had the next smallest number of votes at the said first election.

CAP. LXXXVIII.

AN ACT for the more effectual Registration of Persons entitled to vote in the Election of Members to serve in Parliament in *Scotland*.

(15th August 1834.)

By this ACT,

After noticing an Act, 2 & 3 Will. 4. c. 65, intituled, 'An Act to amend the Representation of the People in Scotland:' And that a right is given by the said recited Act to any party dissatisfied with the judgment of a sheriff at the annual registrations and corrections to appeal to the sheriffs or any three of them liable in attendance at the autumnal circuits of the Court of Justiciary, and such sheriffs are thereby appointed to remain at or return to the circuit town after the autumnal circuit in each year, and there hold their court between the 15th and 25th of September in each year, and to determine all such appeals on or before the 20th of October thereafter: And that such right of appeal is liable to be defeated by such circuit courts not being terminated in such time as to enable the sheriffs to hold such court of appeal as thereby directed, and it is expedient that the said Act should in this respect be amended:—

It is Enacted,

1. That the sheriffs appointed by the said recited Act to judge in such appeals shall hold their courts as therein directed, without relation to the holding or duration of the Circuit Court of Justiciary, and in the event of the incapacity or absence of any of the said sheriffs it shall be lawful to any Judge or Judges appointed to the autumnal circuits in the district in which such

vacancy occurs, and such Judge or Judges are hereby required, on the motion of any appellant or respondent in an appeal in such district, to nominate some other sheriff or advocate of three years standing to attend and officiate in the stead of the sheriff incapacitated or absent.

II. That the provisions of the said recited Act, in so far as inconsistent with this Act, shall be and the same are hereby repealed, but the said Act shall in all other respects remain in full force and effect.

III. That this Act may be varied, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. LXXXIX.

AN ACT to amend the Laws relating to the Customs.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

- | | |
|------------------------|--|
| REGULATION .. | 1. <i>Commencement of Act.</i>
2. <i>Declaration substituted for oaths in certain cases.</i>
3. <i>Slats, and slates and chalk, in ship outward bound, to be deemed ballast.</i>
4. <i>No abatement of duty for salvage.</i>
5. <i>No abatement for damage of drugs.</i>
6. <i>Silk from Boulogne to Dover.</i>
7. <i>Restrictions upon the importation of tobacco of certain descriptions altered.</i>
8. <i>Packages for the importation of spirits.</i>
9. <i>Spirits to be imported in vessels of seventy tons at least.</i>
10. <i>Actual expenses incurred by the commitment of smugglers to hard labour to be paid out of Consolidated Duties.</i> |
| NAVIGATION .. | 11. <i>Stamps on sea indentures and agreements to be 2s. only.</i>
12. <i>Honduras mahogany warehoused in possessions in America to be subject to the same duty on importation as if imported direct from the Bay of Honduras.</i>
13. <i>Spirits, although mixed, to pay duties as such.</i>
14. <i>Return of duty on barilla used in bleaching.</i> |
| DUTIES..... | 15. <i>Table of New Duties.</i>
16. <i>Duties on olive oil, the produce of the dominions of the King of Sicily, may be reduced by an order in council.</i>
17. <i>Export duty on coals in British ships repealed.</i>
18. <i>Exception of woollen exports from duty repealed.</i>
19. <i>Corn duties to be collected under same regulations as other duties.</i> |
| WAREHOUSE .. | 20. <i>Wine, spirits, or other fluid lost by accident in the warehouse, duties to be remitted.—As to goods in warehouse of special security.</i>
21. <i>East India Company may continue to warehouse goods as heretofore.</i>
22. <i>Spirits and tobacco may be imported into Guernsey, &c. from foreign parts, and may be exported thence, in vessels of seventy tons.</i> |
| POSSESSIONS
ABROAD. | 23. <i>Power of seizure by officers employed in the service of Customs, &c.</i>
24. <i>Officers making collusive seizures, and persons offering bribes to officers, subject to penalties.</i>
25. <i>Seized goods, if unclaimed for a month, to be condemned, and dealt with accordingly.</i>
26. <i>In places where there is no Comptroller of Customs, acts done by Collector or principal officer alone to be valid.</i> |
| PASSENGERS... | 27. <i>2 & 3 Will. 4. c. 78. not repealed by any Act passed in the last session of Parliament.</i>
28. <i>Tonnage of steam vessels carrying passengers to and from Ireland.</i>
29. <i>Certain orders in council declared to be in force.</i>
30. <i>Stamp on plate bond reduced.</i> |

By this Act,

After noticing that by an Act, 3 & 4 Will. 4. c. 50, intituled, 'An Act to repeal the several Laws relating to the Customs,' certain Acts or parts of Acts were repealed: And that several other Acts were passed in the said session for consolidating the laws of the Customs, and it has been found necessary to make certain alterations and amendments therein:—

It is Enacted,

I. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for all the purposes mentioned therein.

II. That instead of any oath required to be made under any Act relating to the Customs in the United Kingdom or in the British possessions abroad, or to trade or navigation, except such oaths as are required to be made by an Act, 3 & 4 Will. 4. c. 51, intituled, 'An Act for the Management of the Customs,' a declaration in writing shall be made; and in all cases where

any such declarations are made, or where declarations are made for the consideration of the Commissioners of His Majesty's Customs on any application presented to them, if any such declaration shall be untrue in any particular, the person making the same shall, over and above any other penalty to which he or they may become liable, forfeit the sum of 100*l*.

III. That slate, and slates and chalk, laden on board any ship bound to foreign parts, shall be deemed to be ballast, and that every such ship having on board slate, and slates and chalk, only, or either of them, shall be deemed to be a ship departing in ballast, and if on the return of any such ship any slate, or slates or chalk, shall be remaining on board, the same shall be deemed to be the ballast of such ship.

And after reciting that by the said last-mentioned Act the Commissioners of His Majesty's Customs are empowered and required to allow the sale of any property liable to the payment of duty saved from sea, free from the payment of all duties, to the amount of any sum awarded, paid, or agreed to be paid in respect of such salvage, or to the amount of such other sum as to the said Commissioners shall seem just and reasonable for the same, and it is expedient to repeal the same :—

It is Enacted,

IV. That from and after the passing of this Act so much of the said recited Act as is hereinbefore mentioned shall be and the same is hereby repealed.

And after reciting that by the said last-mentioned Act it is enacted, that in respect of certain goods enumerated in a list contained in the said Act no abatement of the duties of importation shall be made on account of damage sustained during the voyage, and it is expedient to disallow such abatement in respect of certain drugs also :—

It is Enacted,

V. That such abatement in respect of the drugs hereinafter mentioned shall be unlawful and disallowed in like manner as it would be unlawful and disallowed if such drugs had been included in the said list ; (that is to say,) *Cantharides, Coculus Indicus, Guinea Grains, Jalap, Ipecacuanha, Nux Vomica, Opium, Rhubarb, Sarsaparilla, and Senna.*

And after reciting that by the said Act manufactures of silk, being the manufactures of Europe, are prohibited to be imported into Dover, except from Calais :—

It is Enacted,

VI. That it shall be lawful to import such manufactures into Dover from Boulogne in the same manner as such manufactures can be imported into Dover from Calais under the provisions of the said Act.

And after reciting that by the said last-mentioned Act certain restrictions are laid down in respect of the packages in which tobacco may be imported into the United Kingdom :—

It is Enacted,

VII. That the said restrictions shall not extend to any tobacco the produce of and imported direct from Mexico, or from the continent of South America, or from the Islands of Saint Domingo and Cuba, in packages of not less than eighty pounds weight each.

And after reciting that by the said last-mentioned Act the importation of rum of and from the British plantations, if in casks, is restricted to casks containing not less than twenty gallons, and the importation of all other spirits, not being perfumed or medicinal spirits, if in casks, is restricted to casks containing not less than forty gallons, and it is expedient to prevent the evasion of such restrictions by persons using cases, vessels, or other packages not being strictly casks, but available for the purposes of casks :—

It is Enacted,

VIII. That the said restrictions shall be construed to apply to all cases, vessels, or packages whatsoever capable of containing liquids, and not being glass bottles, in like manner as the same now apply to casks ; and that such cases, vessels, or packages shall be, for the purposes of such restrictions, taken and deemed to be casks within the meaning of the said Act.

And after noticing a certain other Act, 3 & 4 Will. 4. c. 53, intituled, 'An Act for the Prevention of Smuggling,' and that it is expedient to amend the same as hereinafter mentioned :—

It is Enacted,

IX. That nothing in the said last-mentioned Act contained shall extend to render any vessel of not less than seventy tons burthen liable to forfeiture on account of any spirits in glass bottles, or to render any vessel of not less than one hundred and twenty tons burthen liable to forfeiture on account of any tobacco the produce of and coming direct from Mexico or the continent of South America, or from the Islands of Saint Domingo and Cuba, in packages of not less than eighty pounds weight each, such spirits and tobacco being really part of the cargo of such ship, and included in the manifest thereof.

And after reciting that by an Act passed in this session of Parliament, intituled, 'An Act to repeal so much of an Act of the last Session of Parliament for the Prevention of Smuggling as authorizes Magistrates to sentence Persons convicted of certain Offences to serve His Majesty in His Naval Service, and to alter and amend the said Act,' certain persons, for the offences therein mentioned, are, upon conviction, to be imprisoned in any house of correction for certain periods, and there kept to hard labour : And that it is expedient that the actual expense incurred by such imprisonment should be defrayed out of the Consolidated Customs :—

It is Enacted,

X. That the actual expenses incurred by any county, city, borough, liberty, division, franchise, or town corporate, in consequence of the commitment of any person to hard labour under the before-mentioned Act, or any other Act relating to the Cus-

toms, shall be repaid out of the Consolidated Customs, by warrant of the Lords Commissioners of His Majesty's Treasury, or any two or more of them, in such manner and to such amount as they shall think fit to direct.

And after reciting an Act, 3 & 4 Will. 4. c. 54, intituled, 'An Act for the Encouragement of British Shipping and Navigation:' and that it is expedient to amend the same in manner hereafter provided:—

It is Enacted,

XI. That for the greater encouragement of navigation no higher duty of stamps than 2s. shall be charged upon the indenture of any apprentice bound to serve at sea in the merchants service, nor upon any memorandum or agreement made between the master and mariners of any ship or vessel for wages or service on any voyage in such ship or vessel, anything in any other Act to the contrary notwithstanding; and that all such indentures, memorandums, or agreements made between the 29th of August last and the passing of this Act, whereupon the duty of 2s. only shall have been charged and paid, shall be valid and effectual to all intents and purposes whatsoever; anything in any Act to the contrary notwithstanding.

And after reciting an Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs,' and that it is expedient to amend the same in manner hereinafter mentioned:—

It is Enacted,

XII. That if any mahogany which had been imported direct from the Bay of Honduras in a ship cleared out from the port of Belize into a free warehousing port in any of the British possessions in America, and there warehoused as having been so cleared and imported, shall be exported from the warehouse, and imported direct into the United Kingdom, such mahogany shall be subject in the United Kingdom to the same duty as it would have been subject to if it had been imported direct from the Bay of Honduras in a British ship cleared out from the Port of Belize, provided it shall appear in the proper clearance of the ship importing the same into the United Kingdom that such mahogany had been so warehoused and exported from the warehouse as aforesaid.

XIII. That spirits or strong waters imported into the United Kingdom, mixed with any ingredient, and although thereby coming under some other denomination, shall nevertheless be deemed to be spirits or strong waters within the meaning of the said last-mentioned Act, and be subject to duty as such.

XIV. That for any barilla used in the process of bleaching of linen a repayment of the duties which have been paid on the importation of such barilla shall be made to the person so using the same, under such regulations as the Commissioners of His Majesty's Customs shall direct.

XV. That instead of the duties imposed by the said last-mentioned Act, and set forth in a table thereunto annexed, denominated "A Table of Duties of Customs Inwards," the several duties set forth in figures in the table hereinafter contained, and denominated "Table of New Duties, 1834," shall in respect of such goods as are mentioned therein, be raised, levied, collected, and paid unto His Majesty in like manner as if such duties had been imposed in and by the said Act, and had been set forth in the said table thereunto annexed; (that is to say,)

TABLE OF NEW DUTIES, 1834.

	£.	s.	d.		£.	s.	d.
Apples, dried, the bushel	0	2	0	Olive Oil, <i>continued</i> .			
Books in the Foreign living Languages, being of Editions printed in or since the Year One thousand eight hundred and one, bound or unbound, the cwt.	2	10	0	ing to any of the Subjects of the King of the Two Sicilies after 31st of August 1834, the tun	10	10	0
Bottles of Earth or Stone, viz. empty, the dozen ..	0	0	6	[<i>Note</i> .—For the Power given to His Majesty in Council to reduce these duties on Olive Oil, the Produce of or imported from the Dominions of the King of the Two Sicilies, see the Body of this Act.]			
full			Free.	— Palm Oil, the cwt.	0	1	3
Bronze, viz.				Palmetto Thatch, the Produce of and imported from the British Possessions in America, the cwt.	0	0	1
— all Works of Art made of Bronze, the cwt.	1	0	0	Plantains, dried, the Produce of and imported from the British Possessions in America, for every 100l. of the value	5	0	0
— other Manufactures of Bronze, for every 100l. of the value	30	0	0	Pears, dried, the bushel	0	2	0
Cassava Powder or Starch, the Produce of and imported from any British Possession in America, the cwt.	0	1	0	Plums, commonly called French Plums and Prunelles, the cwt.	1	0	0
Currants, the cwt.	1	2	2	Prunes, the cwt.	0	7	0
Figs, the cwt.	0	15	0	Raisins, the cwt.	0	15	0
Grapes, for every 100l. of the value	5	0	0	— the Produce of and imported from any British Possession, the cwt.	0	7	6
Mats and Matting, for every 100l. of the value ..	20	0	0	Seal Skins of British taking, imported direct from the Fishery or from a British Possession, the dozen Skins	0	0	1
— imported from any British Possession, for every 100l. of the value	5	0	0	Spirits, viz.			
Oil, viz.				— Liqueurs, the Produce of and imported from the British Possessions in America, viz. not being of greater Strength than the Strength of Proof by Sykes's Hydrometer, the gallon	0	9	0
— Animal Oil, the cwt.	0	2	6	being of greater Strength, the gallon	0	13	6
— Cocoa Nut Oil, the cwt.	0	1	3				
— Olive Oil, the tun	4	4	0				
— the Produce of or imported from any Part of the Dominions of the King of the Two Sicilies after 31st of August 1834, the tun	8	8	0				
— imported in a Ship belong-							

And after reciting that in the table of duties hereinbefore contained duties higher than in other cases are imposed upon olive oil, being the produce of the dominions of the King of the Two Sicilies, or being imported from those dominions, and it may become expedient to reduce the said duties:—

It is Enacted,

XVI. That it shall be lawful for His Majesty, by his order in council, to reduce the said duties to any sum not being less than the duty payable upon olive oil the produce of or imported from other places: Provided always, that during the continuance of any such distinction of duty, before any olive oil shall be entered as being the produce of some place not within the dominions of the King of the Two Sicilies, a certificate shall be produced from the British Consul residing at or near the place at which such oil was taken on board the importing ship, testifying that proof had been made to his satisfaction that such oil was not the produce of any place within those dominions.

XVII. That so much of the said last-mentioned Act as imposes any duty upon the exportation in British ships of coals, culm, or cinders, according to the weight thereof, shall be and the same is hereby repealed: Provided always, that nothing herein contained shall tend to exempt such coals from the duty payable upon the exportation of goods according to the value thereof; and that in lieu of the duties of exportation now payable upon any coals, culm, or cinders, when exported in a foreign ship, the duty of 4s. the ton shall in all cases be payable.

XVIII. That so much of the said last-mentioned Act as excepts woollen goods, or woollen and cotton mixed, or woollen and linen mixed, exported to any place within the limits of the East India Company's charter, from payment of duty on exportation from the United Kingdom, shall be and the same is hereby repealed.

And after noticing that by an Act, 9 Geo. 4. c. 60, intituled, 'An Act to amend the Laws relating to the Importation of Corn,' certain duties therein imposed upon corn, grain, meal, and flour are made payable under the provisions of an Act, 6 Geo. 4. c. 111, intituled, 'An Act for granting Duties of Customs,' and which Act has been repealed:—

It is Enacted,

XIX. That the said duties shall be raised, levied, collected, and paid in such and the same manner in all respects as the several duties of Customs mentioned and enumerated in the Table of Duties of Customs Inwards annexed to an Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs,' are now raised, levied, collected, and paid.

And after noticing another Act, 3 & 4 Will. 4. c. 57, intituled, 'An Act for the warehousing of Goods,' and that it is expedient to amend the said Act in manner hereinafter mentioned:—

It is Enacted,

XX. That it shall be lawful for the Commissioners of His Majesty's Customs to remit or return the duties payable or paid on the whole or any portion of wine, spirits, or other fluid which shall be lost by any unavoidable accident in the warehouse in which the same shall have been deposited under the provisions of the above recited Act or any other Act to be passed for the warehousing of goods; and that the duties payable upon the following articles deposited in warehouses of special security, (that is to say,) wine, currants, raisins, figs, hams, cheese, and mahogany, when taken out of warehouse for home use, shall be charged upon the quantities ascertained by the measure or weight of the same actually delivered.

And after noticing that doubts have arisen whether the East India Company are authorized as heretofore to receive into their warehouses, and to manage, after the 22nd of April 1834, any fresh goods the property of other persons than the said Company:—

It is Enacted,

XXI. That it is and shall be lawful for the said Company, during the time necessary to the due closing of their commercial business, to continue to receive into their warehouses and to manage any goods imported from places within the limits of their charter, in the same manner as they were authorized to receive and manage such goods on or immediately before the said 22nd of April 1834; anything in any Act or Acts to the contrary notwithstanding.

And after noticing another Act, 3 & 4 Will. 4. c. 59, intituled, 'An Act to regulate the Trade of the British Possessions Abroad,' by which brandy, geneva, or other spirits, and tobacco, were permitted to be imported from the United Kingdom into the islands of Jersey, Guernsey, Alderney, or Sark, or either of them, in ships of the burthen of seventy tons at least, and that it is expedient to extend the like permission to brandy, geneva, or other spirits, and tobacco, imported from foreign parts into the said islands, and exported from the said islands:—

It is Enacted,

XXII. That it shall be lawful to import into the islands of Jersey, Guernsey, Alderney, or Sark, brandy, geneva, or other spirits, and tobacco, from foreign parts, in packages required by law, in ships of the burthen of seventy tons at least, and to export the like goods from the said islands in ships of the like tonnage.

And after reciting that it is expedient to extend the powers of seizure given by the said last-mentioned Act:—

It is Enacted,

XXIII. That all goods, and all ships, vessels, and boats, and all carriages and cattle, liable to forfeiture under any Act now in force, or hereafter to be made, relating to the trade of the British possessions abroad, or any Act relating to the Customs, or for trade or navigation, shall and may be seized and secured by any officer of the Customs or Navy, or by any person employed for that purpose, by or with the concurrence of the Commissioners of His Majesty's Customs; and every person who shall in any way hinder, oppose, molest, or obstruct any such officer or person so employed as aforesaid in the execution of his duty, or any person acting in his aid or assistance, shall forfeit the sum of £200.

shall become void, and whosoever after the passing of this Act any benefice whereof the patronage or right of presentation or collation shall be in any archbishop, bishop, or other dignitary, and in which benefice divine worship shall not have been celebrated for the three years next preceding the 1st of February 1833, shall become void, then and in either of such cases it shall not be lawful to fill up such vacancy or to appoint any successor or successors in such deanery, archdeaconry, dignity, prebend, or canonry or benefice, until the expiration of one calendar month after notice in writing shall have been given to the said Ecclesiastical Commissioners by the corporation or person having the patronage or right of appointment or election thereunto, of such vacancy or avoidance having occurred; and any election, appointment, presentation, collation, institution, or induction which shall be made contrary to the true intent and meaning of the said recited Act or of this Act shall be null and void to all intents and purposes whatsoever; and it shall and may be lawful for the said Lord Lieutenant and Council, and for the said Ecclesiastical Commissioners respectively, to exercise all powers with which they are respectively invested, in relation to such deanery, archdeaconry, dignity, prebend, or canonry or benefice, by the said recited Act or this Act, in such manner as if the same were absolutely void: Provided always, that the certificate of the ordinary that divine service has not been celebrated in any such benefice for three years next preceding the 1st of February 1833, shall be conclusive evidence of such fact for all the purposes of this Act and of the said recited Act.

x. That it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors and Council, whenever they shall, by virtue of the powers in that behalf in them vested, have appropriated the temporalities or any part of the temporalities of any dignity, or shall have divided old parishes, or separated any parish or part of a parish heretofore united, to make such order as to them shall seem expedient for the extinguishment or payment of any charge or charges or of any part thereof to which such dignity or parish or benefice, or the person or persons succeeding to the same, are or may by law be liable, and to direct to whom, and by whom, and out of what funds, and in what sums and proportions, and at what time or times, such charges or any part of the same as are to be payable are thereafter to be paid, and by what means and proceedings and by and against whom the same are thereafter to be recoverable.

x1. That in case the Lord Lieutenant or other Chief Governor or Governors of Ireland shall, pursuant to the provisions of the said recited Act and of this Act, or of either of them, have appropriated, disunited, or divested from any archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry any rectory, vicarage, tithes or portions of tithes, or glebes, or part or parts thereof, and in case the person or the representatives of the person upon whose removal or death any such disappropriation, disunion or divestiture shall have been made, shall, by virtue of any law or statute, be entitled to receive from the next successor of such person in such archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry any sum or sums of money on account of any purchase of or addition to glebes, or of any buildings or improvements, or of money paid by such person to his immediate predecessor on such accounts respectively, then and in every such case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such sum or sums of money shall be charged and chargeable in such shares and proportions as they shall think just and reasonable upon the several parishes, tithes or portions of tithes, or glebes, or part or parts thereof respectively theretofore united and appropriated to such archbishoprick, bishoprick, deanery, archdeaconry, dignity, prebend, or canonry; and such shares and proportions shall be paid and payable by the several incumbents of such parishes respectively, or by the person or persons thereafter to be entitled to such tithes or portions of tithes, and glebes, or part or parts thereof respectively, to such person and at such times and in such manner as the whole of such sum or sums of money would have been payable by virtue of any law or statute in force in Ireland in case such disappropriation, disunion, or divestiture had not taken place: Provided always, that it shall and may be lawful for every such incumbent or other person, or his representative, having paid any such share or proportion in manner aforesaid, to receive and recover from his next and immediate successor such part of such share and proportion at such time and by such ways and means as if such share or proportion had been paid by him to his next and immediate predecessor by virtue of any law or statute in force in Ireland.

And after reciting that it is by the said recited Act provided, that the said Ecclesiastical Commissioners shall within a certain period pay to the executors or administrators of Doctor Richard Bourke, late Bishop of Waterford, all and every such sum of money as, pursuant to any statute or law in force in Ireland, could or might have been recovered by such executors or administrators against the successor of the said late bishop in case such Act had not been made; and it is also by the said Act further provided, that the said Commissioners shall at certain periods, from and after the respective vacancies of the other bishopricks (save and except the bishopricks of Ossory and of Cork and Ross) named in the first column of the Schedule (B.) to the said Act annexed, or the annexation thereof to any bishoprick in the second column of the said Schedule named, pay to the person or his representatives, as the case may be, by whose promotion or death such vacancy shall have been occasioned, or who shall become the bishop of any such united bishopricks, all such sums of money as would have been payable by or recoverable against any successor in such bishopricks in such first column named in case the said Act had not been made; but no provision is made by the said Act enabling the said Ecclesiastical Commissioners to recover for dilapidations suffered or committed by the said Doctor Richard Bourke, or other bishops as aforesaid:—

It is Enacted,

x11. That the said Ecclesiastical Commissioners shall and may recover from the representatives of the said Doctor Richard Bourke, and from the bishop of each and every bishoprick in the first column of the said Schedule named (save and except the bishopricks of Ossory and of Cork and Ross aforesaid) being or becoming void or united to any other bishoprick under the provisions of the said Act, or from the representatives of such bishop, all and every such sums or sum of money as the successor or successors of such Bishop of Waterford or other bishop (if such had been appointed), might or could have recovered under any law or statute in force in Ireland from the representatives of the said Doctor Richard Bourke, or from such other bishop or his representatives, for or on account of dilapidations, in case the said recited Act had not been passed; and that the said Ecclesiastical Commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successor or successors of any such bishop could or might have used if the said recited Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any money which they are or may be liable under the provisions of the said recited Act to pay to the representatives of the said Doctor Richard Bourke, or any other such bishop, his executors or administrators, such sums as are or shall be respec-

tively payable by or recoverable from the representatives of the said Doctor Richard Bourke, or such other bishop, his executors or administrators, for or on account of such dilapidations, in like manner as the successor or successors of the said Doctor Richard Bourke, or any other such bishop, might have deducted the same under any law or statute in force in Ireland if the said recited Act had not been passed.

XIII. That all such proceedings as may already have been taken by or on behalf of the said Ecclesiastical Commissioners for the ascertaining or recovery of any money on account of dilapidations in or upon the see house, offices, lands, or improvements of the said bishoprick of Waterford, or of any other bishoprick named in the first column of the Schedule (B.) to the said recited Act annexed, which may be or have become vacant or united to any other bishoprick under the provisions of the said recited Act, are and shall be and be deemed to have been as valid and effectual to all intents and purposes as if the same had been taken by or on behalf of the immediate successor or successors, lawfully appointed and invested, of the bishop by whom such dilapidations may have been committed or suffered.

XIV. That when and as the bishopricks of Ferns and Leighlin and of Cloyne respectively shall be united to the bishopricks of Omory and of Cork and Ross, the said Ecclesiastical Commissioners shall and may in like manner, and by all such and the like means, recover from the persons or their representatives by whose promotion or death such vacancy shall have occurred or been occasioned, or who shall become the bishops of such united sees, all such sums as the successors in such bishopricks of Ferns and Leighlin and Cloyne respectively would have been entitled to recover for dilapidations in case this Act had not been made.

XV. That whenever pursuant to the provisions of the said recited Act, and with such consent as therein required, the see house of any bishoprick in the first column of the Schedule (B.) to the said Act annexed shall be or have been chosen to be the see house of any united bishoprick, such see house, and the offices, and the whole or a part only of the mensal or demesne lands thereto belonging, which are set out as a fair equivalent for the whole or a part only of the surrendered mensal or demesne lands belonging to the bishoprick in the second column of the Schedule (B.), as the case may be, shall without any grant or conveyance whatsoever be divested out of the said Ecclesiastical Commissioners, and become vested in the bishop of such united bishoprick, and annexed thereto, and thereafter continue to be to all intents and purposes the see house, offices, and mensal or demesne lands of such united bishoprick.

XVI. That all lands, tenements, and all estates, terms, and interests therein, whether legal or equitable, and all benefit and right of renewal of or in the same, which at the time of the passing of the said recited Act were or now are vested in the trustees and Commissioners of First Fruits in Ireland, shall be and the same are hereby absolutely transferred to and vested in the said Ecclesiastical Commissioners and their successors, in like manner, and upon and for the like trusts, intents, and purposes, as the same were heretofore vested in the said trustees and Commissioners of First Fruits.

And after reciting that it is by the said Act provided that upon each and every avoidance happening after the period in the said Act mentioned of certain benefices to be selected from and out of the benefices belonging to each of the bishopricks mentioned in the first column of the Schedule (B.) to the said Act annexed, it shall and may be lawful for the Archbishop of Armagh and Archbishop of Dublin to nominate and present to each such benefice one of the Fellows or ex-Fellows of the College of the Holy and Undivided Trinity, near Dublin, being in holy orders; provided always, that in case the said two archbishops shall not be able to agree in such nomination and appointment, or shall decide upon the person to be appointed to the said vacant benefice, the first turn therein to be exercised by the Archbishop of Armagh; and if on the vacancy of any of the said benefices so selected as aforesaid the said archbishop shall not present thereto some such Fellow or ex-Fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall for that turn devolve to the bishop of the diocese and be in all respects subject to the ordinary law of lapse: And that it is necessary to explain and amend the said hereinbefore recited provision:—

It is Enacted and declared to be the meaning of the said recited provision,

XVII. That upon each and every avoidance of the benefices selected as aforesaid, happening after the time in the said Act mentioned, it shall and may be lawful for the said Archbishop of Armagh and Archbishop of Dublin to nominate and present to each such benefice one of the Fellows or ex-Fellows of the College of the Holy and Undivided Trinity, near Dublin, being in holy orders; and that if on the vacancy of any of the said benefices so selected as aforesaid, the said Archbishops shall not present thereto some such Fellow or ex-Fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall for that turn devolve to the bishop of the diocese, and be in all respects subject to the ordinary law of lapse.

And after reciting that it is necessary to explain and amend certain provisions of the said recited Act in respect of the bishopricks of Ferns and Leighlin and Ossory, and of Cloyne and Cork and Ross:—

It is Enacted and declared to be the meaning of the said recited Act,

XVIII. That the said Ecclesiastical Commissioners shall, by such instalments, to be made in such manner and at such periods from and after the respective periods when the bishoprick of Ferns and Leighlin shall become united to the bishoprick of Omory, and the bishoprick of Cloyne united to that of Cork and Ross, as any successors thereto would have been respectively bound or liable if such successors had been appointed, pay to the persons or their representatives by whose promotion or death such vacancies shall have occurred or been occasioned, or who shall become the bishops respectively of such united bishopricks, all and every such sum or sums of money as would have been payable by or recoverable against the several successors in the said bishoprick of Ferns and Leighlin and bishoprick of Cloyne respectively, in case the said Act had not been passed; and that the bishops of such united bishopricks of Ferns and Leighlin and of Ossory shall be and become liable to the payment of all such like sum or sums of money as any successor or successors in the said bishoprick of Ossory would have been in case the said Act had not been passed; and the bishops of such united dioceses of Cloyne and of Cork and Ross shall be and become liable to the payment of all such like sum or sums of money as any successor or successors in the said bishoprick of Cork and Ross would have been in case the said Act had not been passed: Provided that nothing herein contained shall, in the event of

the now Bishops of Ossory and of Cork and of Ross becoming respectively bishops of such united bishopricks, alter or affect the liabilities to them respectively of their successors.

XIX. That if the now Bishop of Ferns and Leighlin or thenow Bishop of Cloyne shall become bishops respectively of such united bishopricks respectively, they shall be entitled to recover as successors for any dilapidations; and if they shall pay to the Bishop of Ossory, or the Bishop of Cork and Ross, or to his or their respective representatives, as the case may be, any sum or sums of money which would have been payable by or recoverable against any successor in the said bishopricks, then and in such case it shall and may be lawful for the bishop of either of such united bishopricks respectively to recover from his next immediate successor the whole of such sum of money so by him paid; and such next immediate successor, and his successor or successors respectively, shall and may recover, each against his successor, such proportion of such sum of money as would have been recoverable in each case respectively if such next immediate successor of the now Bishop of Ferns and Leighlin or of Cloyne had been the next immediate successor lawfully appointed and invested of the now Bishop of Ossory or of Cork and Ross.

XX. That in case any such wanton and malicious injury or damage as in the said recited Act mentioned shall be committed in or to any church, chapel, or other building used for religious worship according to the usage of the United Church of England and Ireland, it shall and may be lawful for the said Ecclesiastical Commissioners, or any person or persons to be by them deputed in that behalf, by writing under their common seal, to sue for and recover satisfaction and amends, pursuant to the provisions of the said recited Act, for such wanton and malicious injury or damage, either at such period or periods as in and by the said recited Act for the purpose provided, or at the second Assizes to be held after the commission of such injury or damage for the county in which such church, chapel, or other building may be situate; or if in the county of Dublin, at the second presenting term; or if in the city of Dublin, at the second Quarter Sessions respectively after the commission of such injury, and that all powers and provisions contained in the said recited Act, applicable to the suing for or recovery of such satisfaction at the next Assizes, presenting term, or Quarter Sessions respectively, shall extend and be applicable to the suing for and recovery of such satisfaction and amends at such second Assizes, presenting term, or Quarter Sessions respectively.

XXI. That in case any tenant or lessee, who under the provisions of the said recited Act is or shall be entitled to apply and agree for, and who shall have applied and agreed for, the purchase of a perpetual estate or interest in any lands, tenements, or hereditaments, shall hold such lands, tenements, or hereditaments by lease for the term of twenty-one years, whereof less than twenty years shall be to come and unexpired, or for the term of forty years, whereof less than thirty-nine years shall be to come and unexpired, or for three lives, and all the lives named in such lease shall not be in being, then and in every such case it shall and may be lawful for every such tenant or lessee to tender to the archbishop, bishop, or other sole ecclesiastical corporation, under whom he shall hold such lands, tenements, or hereditaments, or to his or their known agent or agents, such sum or sums as he shall consider to be the true and just amount of the renewal fine or fines, and fees customarily paid or payable for or upon the renewal of such lease for such term or interest as in and by the said recited Act is required; and in case such archbishop, bishop, or other sole ecclesiastical corporation, shall refuse or neglect within a reasonable time after such tender to accept such sum or sums of money and execute such renewal, then and in every such case it shall and may be lawful for the said Ecclesiastical Commissioners, and they are hereby authorized and required, at the requisition in writing of such tenant or lessee, to ascertain by the issuing of a commission or by such other ways and means as they shall deem fit and expedient, the amount of the renewal fines usually or customarily paid or payable on and for the renewal of such lease, and the sum which, according to the usual and accustomed mode of renewing the same, ought to be paid on the renewal thereof, up to the day upon and from which the rent to be reserved by the deed or deeds of conveyance of such lands and premises is to begin to accrue due; and such tenant or lessee shall, upon payment to the said Ecclesiastical Commissioners, to and for the use of such archbishop, bishop, or other sole ecclesiastical corporation respectively, of such sum so ascertained as aforesaid, and of all rents and arrears of rent due upon such lease, be entitled to have a conveyance executed of the fee simple and inheritance of and in the said lands, tenements, and hereditaments, in like manner as if such lease had been fully renewed for such term of years or lives respectively as in and by the said recited Act is required: Provided always, that no tenant or lessee holding any lands or premises by lease for the term of twenty-one years or of forty years, whereof less than one year shall have expired, shall be entitled to have any deeds of conveyance of such lands and premises made or granted to him or her by virtue of the said recited Act and of this Act, or of either of them, unless, in addition to all rent and arrears of rent due upon and reserved by such lease, he or she shall have paid and satisfied to the archbishop, bishop, or other ecclesiastical person under whom he or she shall hold the said lands and premises, or to the said Ecclesiastical Commissioners, a proportional part of the fine or fines and fees usually and customarily paid and payable for and upon the renewal of such lease, up to and for such day upon and from which the rent to be reserved in and by such deed of conveyance is to begin to accrue due.

XXII. That whensoever upon any application for the purchase of the fee simple and inheritance in any lands under the provisions of the said recited Act or this Act, or for the renewal of any lease, or the making a new lease or demise of any lands held under the said Ecclesiastical Commissioners, such Commissioners may be authorized and required to ascertain the amount of any fine or fines and fees theretofore paid or agreed to be paid or customarily paid or payable for renewal of such lease, and that such Commissioners shall find that the fine or fines and fees paid during any such period as in the said Act mentioned, or agreed to be paid or payable for the renewal of such lease, have been greatly inadequate as compared with the fine or fines and fees usually paid according to the custom of the same diocese or other spiritual promotion for or upon the renewal of leases or interests in other lands within such diocese or other spiritual promotion held by like tenure and demise, and that such Commissioners shall have reasonable cause to conclude that such inadequacy arose out of any favour or community of interest between the lessor and lessee, then and in such case the matter shall be referred to three arbitrators, to be appointed in manner by the said recited Act provided for the appointment of arbitrators to adjust differences between the said Commissioners and parties applying for the purchase of perpetuities under the said Act; and the expense of such arbitration shall be borne by the said Commissioners, or by the other party, or by both, in such proportions as such arbitrators shall direct; and if such arbitrators shall decide that the fine or fines and fees aforesaid were not greatly inadequate, or that such inadequacy did not arise out of any favour or community of interest between the lessor and lessee, the said Commissioners shall proceed to make their calculation as by the said Act required upon such fine or fines and fees so paid or agreed to be paid or payable, and in all respects as

if no inadequacy had been alleged to exist; but if the said arbitrators shall decide that such fine or fines and fees were greatly inadequate, and that such inadequacy arose out of any favour or community of interest between the lessor and lessee, then and in such case the said arbitrators, or any two of them, shall and are hereby authorized and empowered to inquire and ascertain, by actual survey and valuation, or by the examination of witnesses upon oath (which oath the said arbitrators are hereby authorized to administer), or by such other ways and means as they shall deem fit and expedient, the yearly value of the lands, tenements, and hereditaments, the tenant or lessee whereof shall so have applied for such renewal or purchase, and the fine or fines and fees which ought reasonably to have been paid for the renewal of such lease or interest in such lands in proportion to the yearly value thereof, according to the custom of the same diocese or other spiritual promotion, upon the renewal of leases or interests in other lands and tenements situate within the same respectively, and held upon the like tenure and demise; and the determination of such arbitrators, as to the amount of such fine or fines and fees, shall be conclusive and binding upon all persons whomsoever; and the fine or fines and fees so ascertained shall be deemed and taken to be for all purposes of the said recited Act and of this Act the renewal fine or fines and fees respectively theretofore paid, agreed to be paid or payable, or which ought to have been paid upon the renewal of the said lease or interest in such lands, tenements, and hereditaments, the tenant or lessee whereof shall so have applied for such renewal or purchase as aforesaid.

XXIII. That every commission to be issued by the Ecclesiastical Commissioners for the purposes of this Act shall issue in the same manner, and shall be subject to the like rules and regulations, and shall have and exercise the like powers, as in and by the said recited Act is provided with respect to commissions directed to be issued for inquiring into the value of ecclesiastical benefices.

And after reciting that it is by the said recited Act amongst other things enacted, that upon such notification in writing being given by any such tenant or lessee as therein mentioned, that he is ready and willing to purchase the fee simple and inheritance of and in any lands, premises, or hereditaments held by him by virtue of such lease or contract as therein mentioned immediately from and under any archbishoprick, bishoprick, or other spiritual promotion or dignity pursuant to the provisions of the said recited Act, it shall and may be lawful for the said Ecclesiastical Commissioners, and they are thereby authorized and required, to ascertain the amount of the sum or sums of money theretofore paid or agreed to be paid as and for the fine or fines and fees for renewal of any such lease or interest of and in the said lands and premises in case of leases for lives for and during such period as shall include the three last previous occasions of such renewal; and it is in and by the said recited Act further enacted, that in the case of leases for lives the said Commissioners under the said recited Act shall compute the yearly average of the renewal fines and fees in such manner as to them shall seem just with reference to the average duration of lives and beneficial interest:—

It is Enacted,

XXIV. That from and after the passing of this Act the said recited provisions, so far as the same relate to the purchase of perpetual estates or interests in any lands, premises, or hereditaments held by virtue of any lease or leases for lives, be and the same are hereby repealed.

XXV. That in every case in which any tenant or lessee who under the provisions of the said recited Act shall be entitled to apply and agree and shall have applied for the purchase of a perpetual estate or interest in any lands, premises, or hereditaments shall hold such lands, premises, or hereditaments under or by virtue of any lease for lives it shall and may be lawful to and for the said Ecclesiastical Commissioners to ascertain by calculation a term for years of equal value to the subsisting interest or term for lives then in being under such lease, and thereupon to compute and ascertain in such manner as to them shall seem just with reference to the custom of the archbishoprick, bishoprick, or other spiritual promotion in which such lands, tenements, and hereditaments shall be situate, the annual sum or sums of money which ought to be paid or payable as and for the fine or fines and fees for renewal of a lease of the said lands, premises, and hereditaments held for such a term of years aforesaid; which sum or sums so ascertained, together with and in addition to the annual rent or rents theretofore reserved and payable out of the said lands and premises under and by virtue of such lease for lives, shall be the amount of the annual rent to be reserved and made payable in and by the deed of conveyance of the said lands and premises, to be executed pursuant to the provisions of the said recited Act and of this Act or of either of them, subject, however, to such variation, according to the price of wheat or oats, as in and by the said recited Act and this Act provided; and such amount or sum so ascertained shall in all cases of leases for lives be inserted in any certificate to be given, granted, registered, or enrolled pursuant to the provisions of the said recited Act, instead of the average renewal fine theretofore paid or payable on the several occasions of renewing any such lease for lives.

And after noticing that under and by virtue of the said recited Act it is enacted that it shall and may be lawful for the said Commissioners, out of the said funds therein mentioned, to defray all such incidental charges and expenses as shall become necessary in the execution of the several powers and trusts by the said Act, or any Act thereafter to be passed, reposed in them: And that it is expedient that the sum to be paid for costs to the solicitor or attorney employed by the said Commissioners should be limited in amount:—

It is Enacted,

XXVI. That no sum shall be paid by the said Commissioners to any attorney or solicitor as and for costs, charges, or expenses unless the amount of such payment shall first have been approved of by the Lords of the Treasury: Provided always, that no sum exceeding 1000*l.* shall be allowed in any one year by the said Lords of the Treasury as and for the costs, charges, or expenses of any such attorney or solicitor; and before any such sum shall be allowed by the said Lords Commissioners of the Treasury on such account as aforesaid, the particulars of all such costs, charges, and expenses shall be laid before them.

XXVII. That it shall and may be lawful for the said Ecclesiastical Commissioners, with the consent and approbation of the Lords Commissioners of His Majesty's Treasury, to bestow and apply out of any surplus or balance which may arise in any year, after due provision made for the several objects and purposes to which the funds accruing to the said Ecclesiastical Commissioners under the provisions of the said Act of the last session of Parliament are primarily applicable, such sums as they

shall think proper for and to such charitable purposes as the bishops of the several bishopricks, the temporalities whereof may now be or hereafter become vested in the said Ecclesiastical Commissioners, may have usually subscribed or contributed towards.

And after reciting that it is expedient that provision should be made for facilitating the execution of the deed or deeds of conveyance of lands and premises to be purchased pursuant to 3 & 4 Will. 4. c. 37, where such lands and premises are or shall be held under any archbishop, bishop, or other sole ecclesiastical corporation:—

It is Enacted,

XXVIII. That from and after the passing of this Act, so much of the said recited Act shall be repealed as provides that if such lands so to be purchased shall, at the time of such purchase, belong to or be held under any archbishop or bishop, or other ecclesiastical person, then and in such case, on the production by tenant or lessee, as therein mentioned, to the said archbishop, bishop, or other ecclesiastical person, of such notice or certificate, and of such receipt of the cashier or cashiers of the Bank of Ireland as therein mentioned, such archbishop, bishop, or other ecclesiastical person shall and he and they is are hereby required and directed to execute, seal, and deliver a deed of conveyance of the fee simple and inheritance of the said lands and premises to such tenant or lessee, when the same shall be tendered for execution, subject to such annual rent as therein mentioned; and that if such archbishop, bishop, or other ecclesiastical person shall, on the production of such notice or certificate and receipt as aforesaid, refuse or neglect to execute such deed of conveyance, when tendered for execution as aforesaid, for the space of two calendar months after such tender shall have been made as aforesaid, then, upon such proof being made to the said Commissioners by affidavit to be sworn before such persons as therein mentioned, (which affidavit they are thereby respectively empowered to administer,) or upon oath of a credible witness to be examined by the said Commissioners, it shall and may be lawful for the said Commissioners and they are thereby empowered and required to execute, seal, and deliver the said deed or deeds of conveyance in the name of and on behalf of the said archbishop or bishop or other ecclesiastical person so refusing or neglecting to execute the same as aforesaid, and to affix the corporate seal of the said Commissioners to such deed or deeds, and to certify the cause of their so executing the same by writing at the foot of or on the back of the said deed or deeds; and that such execution of the said deed or deeds by the said Commissioners shall be as valid and effectual to all intents and purposes whatsoever as if the said deed or deeds had been duly executed by the said archbishop or bishop or other ecclesiastical person, in pursuance of the said recited Act; and so much and such parts of the said recited Act is and are hereby repealed accordingly.

XXIX. That in case any lands, premises, or hereditaments, purchased or to be purchased pursuant to the provisions of the said recited Act and of this Act or either of them, shall at the time of such purchase be held under any archbishop, bishop, or other ecclesiastical person, it shall and may be lawful for the said Ecclesiastical Commissioners, on production to them of the receipt of the cashier or cashiers of the Bank of Ireland for the amount of the purchase-money ascertained and payable in respect of such lands, premises, or hereditaments, pursuant to the said recited Act and of this Act, to execute, seal, and deliver, in the name and in behalf of such archbishop, bishop, or other ecclesiastical person, a deed of conveyance of the fee simple and inheritance of the said lands, premises, and hereditaments, to the tenant or lessee thereof, unto and to the use of such tenant or lessee, his heirs and assigns, or as he or they shall appoint, subject to such annual rent as in and by the said recited Act is provided; and the said Ecclesiastical Commissioners shall affix to such deed or deeds of conveyance their corporate seal, and shall give at the foot or on the back of such deed or deeds respectively a certificate or certificates, which shall be conclusive evidence of the truth of the matter thereby certified, that such deed or deeds has or have been executed pursuant to the provisions of the said recited Act and of this Act; and such deed or deeds shall be in like form, and shall, when so executed, be as valid and effectual to all intents and purposes as if the same had been duly executed pursuant to the said recited Act by such archbishop, bishop, or other ecclesiastical person, in case this Act had not been passed: Provided always, that the said Ecclesiastical Commissioners shall, one calendar month at least before the execution of such conveyance, notify, by such notice in writing as in and by the said recited Act for that purpose is directed, to the archbishop, bishop, or other ecclesiastical person under whom the said lands and premises are or shall be held as aforesaid, the amount of the annual rent to be thereafter reserved and payable out of the said lands and premises, and of the purchase-money to be paid for the conveyance thereof, pursuant to the provisions of the said recited Act.

And after reciting that in many cases the lands, tenements, and hereditaments held under leases from archbishops, bishops, or other ecclesiastical corporations sole in Ireland have been sub-let to under-tenants, who are entitled, under covenants or contracts, to the renewal of their leases from time to time as often as the first or immediate tenants thereof shall obtain renewals of their leases from any such archbishop, bishop, or other ecclesiastical corporation sole, and by reason of the small interest of the first or immediate tenants in such lands, tenements, and hereditaments, or for other reasons, they may not be desirous to purchase the fee simple and inheritance therein, and it is expedient that in such cases the under-tenants thereof should be authorized to purchase the same, subject to the provisions and regulations hereinafter contained:—

It is Enacted,

XXX. That it shall and may be lawful to and for any under-tenant, having any derivative estate or interest in any such lands, tenements, and hereditaments by virtue of any lease containing any such covenant or contract for the renewal thereof as aforesaid, either mediately or immediately through or under the first or immediate tenant thereof, to apply (in the manner prescribed by the said Act in reference to first or immediate tenants) for the purchase of the fee simple and inheritance of and in the lands, tenements, and hereditaments held by such under-tenant under any such lease, giving notice, nevertheless, in writing of such application to the first or immediate tenant of such lands, tenements, and hereditaments, and to all other tenants thereof (if any) intervening between such archbishop, bishop, or other ecclesiastical corporation sole and the under-tenant making such application, or to the known agent or receiver, agents or receivers of such first and other intervening tenants; and upon the receipt of such notice, or at any time within twelve calendar months thereafter, it shall be lawful as well for such first or immediate as for any other of such intervening tenants to apply in like manner for the purchase of the fee simple and inheritance of and in the same lands, tenements, and hereditaments, and the first or immediate tenant of such lands, tenements, and hereditaments is hereby empowered to contract or agree for the purchase thereof

accordingly, in the manner provided by the said Act, or as near thereto as circumstances will admit, notwithstanding such lands, tenements, and hereditaments shall not constitute the whole of the lands, tenements, and hereditaments held by him under any lease from any such archbishop, bishop, or other ecclesiastical corporation sole; and in case such first or immediate tenant shall neglect or omit to make application in manner by the said Act directed for the purchase of the fee simple and inheritance of and in such lands, tenements, and hereditaments for the space of twelve calendar months after such notice in writing shall have been given to him, or to his known agent or receiver, it shall be lawful for the said Commissioners to treat, contract, or agree with such under-tenant who may have given such notice as aforesaid, or with any intervening tenant who may have made application within the said period of twelve months, for the absolute purchase by him of the fee simple and inheritance of and in the same lands, tenements, and hereditaments, upon such and the same terms and in the same manner as in the said Act is prescribed for the purchase of perpetuities by any first or immediate tenant, but subject nevertheless (in addition to the rent thereby directed to be reserved and made payable to the archbishop, bishop, or other ecclesiastical corporation sole under whom the same are immediately held) to a perpetual rent-charge, or as many perpetual rent-charges as there are tenants intervening between such archbishop, bishop, or other ecclesiastical corporation sole, and the under-tenant entering into such contract for purchase, such rent-charge or rent-charges to be ascertained in manner hereinafter mentioned, and to be issuing out of the same lands, tenements, and hereditaments, and to be reserved and made payable to such intervening tenant or tenants, his or their heirs and assigns for ever: Provided always, that in case more than one of such under-tenants shall make application for such purchase, the application of the under-tenant holding directly under such first or immediate tenant shall be preferred to that of the one next below, and so on according to priority of holding down to the under-tenant so giving notice as aforesaid; and the said Commissioners shall convey the said lands, tenements, and hereditaments, so contracted to be purchased, to the purchaser thereof accordingly, in the manner and under the regulations by the said Act provided in relation to the purchases thereby authorized to be made, subject nevertheless to the additional perpetual rent-charge or rent-charges hereinbefore mentioned; and immediately upon the execution of such conveyance the reversion or respective reversions then vested in such intervening tenant or tenants shall, so far only as respects such lands, tenements, and hereditaments, be absolutely merged and extinguished in the freehold and inheritance thereby conveyed to such purchaser, and the said perpetual rent-charge or rent-charges, and the estate or interest therein, shall be considered as a substitute or substitutes for the rent and reversion so merged and extinguished as aforesaid.

XXI. Provided, That the amount of the perpetual rent-charge so to be reserved and made payable to every such intervening tenant shall be equal to the net annual income or profit rent for the time being derived by him from the lands, tenements, and hereditaments so purchased by such under-tenant as aforesaid, such net annual income or profit rent to be ascertained by deducting the amount or proportional amount of the annual rents, fines, and other outgoings and expenses payable by such intervening tenant in respect of such lands, tenements, and hereditaments, from the amount or proportional amount of the annual rents, fines, and other outgoings, and expenses payable to him in respect of such lands, tenements, and hereditaments by the under-tenant holding the same directly under him; and for the purpose of ascertaining the said several particulars the said Commissioners shall have all such powers and authorities, and shall take all such measures, as are respectively given to and directed to be taken by them for the purpose of ascertaining the several particulars directed to be inquired into by the said Act; and every such perpetual rent-charge shall be payable by equal half-yearly payments on the 1st of May and the 1st of November in each year, and shall be recoverable by all the ways and means used for the recovery of rents in Ireland.

XXII. Provided, That where any such intervening tenant shall not be absolutely entitled to the leasehold interest under the lease, by virtue of which he holds, then and in every such case, notwithstanding the reservation of the said perpetual rent-charge to such intervening tenant, his heirs and assigns for ever, the same shall nevertheless enure to such uses, and upon and for such trusts, intents, and purposes, as will best correspond with the uses, trusts, intents, and purposes which for the time being shall be subsisting concerning the said leasehold interest, or would be subsisting concerning the same if such leasehold interest were still in existence, or as near thereto as the difference in the nature of the interests respectively will permit: Provided always, that every such perpetual rent-charge shall be subject to such or the like provisions for apportionment in the event of a division of the lands, tenements, and hereditaments for the time being subject thereto, or to any part thereof, as are in the said Act provided in relation to the new rents to be reserved under the said Act, such apportionment to be applied for and ascertained in the manner and subject to the regulations prescribed by the said Act, so far as the same are respectively applicable, or as near thereto as circumstances will admit.

XXIII. And for the prevention of doubts as to the consequences of the purchase of the fee simple and inheritance in lands, under the provisions of the said recited Act and this Act, by any immediate or mesne tenant, it is declared and enacted to be the intent and meaning of the said Act and this Act, That any such immediate or mesne tenant shall, notwithstanding his acquisition of the fee simple and inheritance in such lands, and the merger of any previously subsisting term, estate, or interest therein, have all such and the like remedies, by distress, re-entry, action, or otherwise, for the recovery of the rents and duties reserved in any under-lease by him theretofore made, which he might or would have had in case he had not so acquired such fee simple and inheritance, and as would have been incident to his reversion in such previously subsisting term, estate, or interest.

And after reciting that such purchase of the fee simple and inheritance of and in such lands, tenements, and hereditaments by any such under-tenant will be beneficial to the first and all other tenants thereof intervening between such archbishop, bishop, or other ecclesiastical corporation sole and the under-tenant or under-tenants making such purchase:—

It is Enacted,

XXIV. That whenever such under-tenant of any lands, tenements, and hereditaments shall have contracted for the purchase of the fee simple and inheritance thereof in manner aforesaid the said Commissioners are hereby required to ascertain whether any and what proportion of the purchase-money on any such purchase ought to be contributed by such first and other intervening tenants thereof as aforesaid; and when the said Commissioners shall have ascertained the proportion, or respective proportions, of the purchase-money to be contributed by such first and other intervening tenants as aforesaid

respectively, it shall and may be lawful to and for the under-tenant so contracting to purchase as aforesaid, his heirs, executors, or administrators, by notice in writing to be given to such first and other intervening tenant or tenants or his or their known agent or receiver, agents or receivers, to call upon and require such first and other intervening tenant or tenants to contribute his or their said proportion or respective proportions of such purchase-money accordingly; and in case any such first or other intervening tenant shall refuse or neglect to contribute such his proportion of the said purchase-money for the space of six calendar months after such notice shall have been given to him or his known agent or receiver, then and in such case the said Commissioners shall make a corresponding deduction from the said perpetual rent-charge so directed to be reserved to him as aforesaid, such deduction to be equal to *6l. per centum per annum* on the proportion of the said purchase-money which he shall be so required to contribute as aforesaid; and the said Commissioners shall cause the amount of every rent-charge so reduced to be inserted in or indorsed upon the conveyance of the said lands, tenements, and hereditaments to such under-tenant accordingly; and such reduced perpetual rent-charge shall thenceforth for ever be payable in lieu of the rent-charge hereinbefore directed to be reserved to such intervening tenant respectively, his heirs or assigns, as aforesaid: Provided always, that in case any such tenant or lessee shall be dissatisfied with the amount of the rent-charge or proportion of the purchase-money adjudged payable in manner aforesaid to or by him, the matter shall be referred to three arbitrators, one to be appointed by the tenant to whom the same is adjudged to be payable, and the other by the tenant proposing to purchase as aforesaid, and the third by the two arbitrators so appointed as aforesaid, in manner provided in the said Act for the appointment of arbitrators to adjust differences between the said Commissioners and tenants or lessees applying for the purchase of perpetuities under that Act, and with the like powers and authorities, so far as the same are applicable; and the determination of such arbitrators as to the amount of such rent-charge or proportion of such purchase-money shall be conclusive and binding upon all persons whomsoever, and the expense of such arbitration shall be borne by such party as the arbitrators shall direct.

XXXV. That in case the lands, tenements, and hereditaments proposed to be purchased by any such first or immediate tenant or by any under-tenant respectively, as the case may be, shall be and constitute part only of the lands, tenements, and hereditaments held under lease from any archbishop, bishop, or other ecclesiastical corporation sole, or under any intermediate lease, it shall and may be lawful to and for the said Commissioners to ascertain the annual payment which ought according to the provisions of the said Act to have been reserved upon the conveyance of the fee simple and inheritance in the whole of the lands held under such archbishop, bishop, or other ecclesiastical corporation sole in Ireland by such lease in case the whole of the said lands had been proposed to be purchased, and having ascertained the amount thereof the said Ecclesiastical Commissioners shall apportion the amount of the annual payment to be reserved to such archbishop, bishop, or other ecclesiastical corporation sole for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said Commissioners shall in like manner ascertain the net annual income derived by each of the intervening tenants from the lands, tenements, and hereditaments held by him or them respectively under their respective leases, and shall apportion with reference thereto the amount of the annual rent-charge to be reserved to each of such intervening tenants for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said Commissioners shall in like manner ascertain and apportion, with reference to the annual rents reserved and made payable under and by virtue of such leases respectively, the annual payments to be thenceforth made to such archbishop, bishop, or other ecclesiastical corporation sole, and to such intervening tenants or tenant respectively, for or in respect of the residue and remainder of the lands, tenements, and hereditaments included in the same leases respectively; and the said Commissioners shall convey the fee simple and inheritance of and in the said lands, tenements, and hereditaments so proposed to be purchased to the purchaser thereof, subject only to such annual payment as shall be so apportioned to be reserved in respect of the lands, tenements, and hereditaments so proposed to be purchased, (and in the case of a purchase by an under-tenant) to the aforesaid perpetual rent-charge or rent-charges to the intervening tenant or tenants, and to make all such other apportionments as the circumstances of the case shall in their judgment require; all which apportionments shall be conclusive and binding on all parties, and the payments so apportioned on the residue and remainder of the lands not purchased shall alone be recoverable in lieu of the whole rents previously reserved by existing leases, and exactly as if such apportioned rents had been the reserved rents for and in respect of such residue and remainder of the lands not purchased.

XXXVI. That the provisions herein contained applicable to lands, tenements, and hereditaments held under any archbishop, bishop, or other ecclesiastical corporation sole in Ireland shall extend and be applied to all lands, tenements, and hereditaments now held or hereafter to be held under the Commissioners in the said Act named, by reason of the suppression of the sees therein mentioned; and in all cases in which any purchase shall be made of lands, tenements, and hereditaments held under the said Commissioners, being part only of the lands, tenements, and hereditaments included in one lease, the said Commissioners shall ascertain what portion of the fine theretofore payable for the renewal of such lease should be paid for or in respect of the lands not included in such purchase, and in case any difference shall arise in regard thereto the same shall be decided by arbitrators in the manner in the said Act provided for deciding questions between the Commissioners and tenants and lessees applying for the purchase of perpetuities, and the sum so ascertained shall be thenceforth deemed and taken to be the amount of fine payable for renewal of such lands, tenements, and hereditaments; and the said Commissioners shall thenceforth from time to time grant renewed leases of such lands, tenements, and hereditaments, or payment of the amount so ascertained in manner in the said Act provided for the entire lease, subject nevertheless to be varied in such manner and under the circumstances in the said Act mentioned: Provided that the payments to be reserved to the archbishop, bishop, or other ecclesiastical corporation sole in Ireland shall in all cases be deemed prior in order of charge to the rent-charges hereby authorised to be granted; and where in any case there shall be more than one rent-charge reserved for and in respect of the same lands, by virtue and in pursuance hereof, the said Commissioners shall state in the conveyance to be executed upon any such purchase the order and priority of the same charges, which shall be according to the priority of the several tenants at the date of such purchase, and in case at any time thereafter any of the said rent-charge shall be in arrear the same shall have priority and be paid in the order so ascertained.

XXXVII. Provided, That when and so often as any tenant or sub-tenant shall have purchased the fee and inheritance part of the lands, tenements, and hereditaments included in any lease from any such archbishop, bishop, or other ecclesiastical corporation sole, it shall and may be lawful to and for the said Commissioners to ascertain the annual payment which ought according to the provisions of the said Act to have been reserved upon the conveyance of the fee simple and inheritance in the whole of the lands held under such archbishop, bishop, or other ecclesiastical corporation sole in Ireland by such lease in case the whole of the said lands had been proposed to be purchased, and having ascertained the amount thereof the said Ecclesiastical Commissioners shall apportion the amount of the annual payment to be reserved to such archbishop, bishop, or other ecclesiastical corporation sole for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said Commissioners shall in like manner ascertain the net annual income derived by each of the intervening tenants from the lands, tenements, and hereditaments held by him or them respectively under their respective leases, and shall apportion with reference thereto the amount of the annual rent-charge to be reserved to each of such intervening tenants for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said Commissioners shall in like manner ascertain and apportion, with reference to the annual rents reserved and made payable under and by virtue of such leases respectively, the annual payments to be thenceforth made to such archbishop, bishop, or other ecclesiastical corporation sole, and to such intervening tenants or tenant respectively, for or in respect of the residue and remainder of the lands, tenements, and hereditaments included in the same leases respectively; and the said Commissioners shall convey the fee simple and inheritance of and in the said lands, tenements, and hereditaments so proposed to be purchased to the purchaser thereof, subject only to such annual payment as shall be so apportioned to be reserved in respect of the lands, tenements, and hereditaments so proposed to be purchased, (and in the case of a purchase by an under-tenant) to the aforesaid perpetual rent-charge or rent-charges to the intervening tenant or tenants, and to make all such other apportionments as the circumstances of the case shall in their judgment require; all which apportionments shall be conclusive and binding on all parties, and the payments so apportioned on the residue and remainder of the lands not purchased shall alone be recoverable in lieu of the whole rents previously reserved by existing leases, and exactly as if such apportioned rents had been the reserved rents for and in respect of such residue and remainder of the lands not purchased.

eclesiastical corporation sole in Ireland, or the said Ecclesiastical Commissioners, or in any intermediate lease, any lease to be thereafter granted by any such archbishop, bishop, or other ecclesiastical corporation sole, or the said Ecclesiastical Commissioners, or by any intervening tenant or tenants, as the case may be, of the residue and remainder of the same lands, tenements, and hereditaments, reserving only the proportion of the rent payable for or in respect of such residue and remainder, to be ascertained as aforesaid, shall be as valid in all respects in reference to the lands included in such lease as a lease of the entirety at the entire rent would have been, and in all respects have the same operation, as far as the lands, tenements, and hereditaments comprised therein are concerned, as if a lease of the entirety had been made, and all the statutes applicable to the renewals of the whole lease shall apply to such renewals of the part only; any law, custom, or statute to the contrary in anywise notwithstanding.

XXXVIII. Provided, That before the execution of any conveyance to any under-tenant or under-tenants under the provisions of this Act, he or they shall prove to the satisfaction of the said Ecclesiastical Commissioners that the notice or notices required by this Act have been duly given; and that after the expiration of one year from the completion of any purchase by any under-tenant or under-tenants under the provisions of this Act, the same shall not afterwards be impeached or called in question by reason of any such notice or notices not having been given as aforesaid, nor by reason of any imperfection in any such notice or notices.

XXXIX. That all the provisions in the said recited Act contained, in relation to the purchases thereby authorized, and to the consequences thereof, as well with reference to the parties immediately interested, and their rights and liabilities, as to those having derivative and other interests, and their rights and liabilities, in all other respects whatsoever, shall, so far as the nature of the case will admit, extend and be applicable to the purchases by this Act authorized to be made, and to the consequences thereof.

And after noticing that it is by the said recited Act amongst other things enacted, that the officiating curate or minister officiating as curate of every parish, union, chapelry, or perpetual curacy in Ireland, and the dean and chapter or chapter of every such cathedral and parochial church or cathedral used as a parish church in Ireland, shall on or before the 1st of June in each and every year succeeding the year 1833, prepare or cause to be prepared such estimate containing such items and particulars as are in the said Act mentioned, and that such estimate shall be transmitted by such person or persons whose duty it is to prepare the same to the Ordinary of the diocese on or before the 1st of July in each and every year succeeding the said year 1833; and that it is by the said recited Act further enacted that the said Ecclesiastical Commissioners shall pay or cause to be paid on the 1st of September in each year, for the maintenance of all and every the person or persons who at the passing of the said Act was or were or should thereafter be appointed clerk or clerks of such parish, union, or chapelry, or chapel of ease, as therein mentioned, certain salaries, or to grant certain allowances in the said Act mentioned: And that it is expedient that the respective periods for preparing and transmitting such estimate and for paying such sums as aforesaid should be left to the discretion of the said Ecclesiastical Commissioners:—

It is Enacted,

XL. That the said estimates shall be prepared and transmitted at such convenient times, and shall be made and calculated for each period, commencing on such day and ending on such day in each year, as the said Ecclesiastical Commissioners shall from time to time think fit to direct and signify by writing under their corporate seal to the person or persons whose duty it may be from time to time to prepare and transmit the same; and that such payments on account of salaries or maintenance to clerks heretofore or hereafter to be appointed shall be made at such convenient time in each year as the said Commissioners shall appoint and direct; anything in the said recited Act contained to the contrary hereof notwithstanding.

And after noticing that it was by the said recited Act provided, that all rates or assessments upon any parish, union, chapelry, or place, or the inhabitants thereof, or any of them, for certain purposes in the said Act mentioned, and all proceedings for the making, assessing, applotting, or levying the same, should from and after the commencement of the said Act wholly cease and determine, and that every rate, assessment, or applotment for any church purpose whatsoever should be and be deemed to be by all Courts of Justice totally void as to so much thereof as provides for the church purposes, or any of them, in such Act mentioned; and that it was also by the said Act provided, that in all parishes and places where by virtue of any law, statute, or custom, provision may have been theretofore made by vestry or other assessment for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine Worship, or attendant or sexton, such provision by vestry or other assessment should from and after the passing of the said Act wholly cease and determine, and future provision for such church and other purposes was made by the said Act from and after the commencement thereof: And that it is necessary, by reason of the said enactments, that provision should be made for the purposes aforesaid for the period of the year 1833 intervening between the commencement of the said Act and the Easter week next preceding, and also for all such charges and expenses incurred previous to the commencement of the said Act as would or ought to have been defrayed by vestry assessment in case the said Act had not been made:—

It is Enacted,

LI. That so much of the said recited Act as disables any vestry called or holden in or for any parish, union, chapelry, or place, or any person or persons from making, assessing, applotting, or levying any rate or assessment for any of the purposes in the said Act mentioned, and so much of the said Act as authorizes and requires the said Ecclesiastical Commissioners to issue and pay the sums required for the several matters and things by such Act directed to be included in the estimates to be annually transmitted to the said Commissioners, or as authorized the said Commissioners to make provision for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine Worship, or attendant or sexton, in lieu of any provision by vestry assessment or otherwise theretofore made for such purposes by any law, statute, or custom, shall take effect and be deemed to have taken effect from the commencement of the Easter week in the said year 1833, and that any such rate or assessment made in such week, or at any time after and previous to the commencement of the said Act, shall be utterly null and void in so far as respects any of the church purposes in the said

Act mentioned, but no further; and that supplementary estimates for the said period intervening between Easter week in the said year 1833 and the commencement of the said Act shall with all convenient speed be prepared, certified, and transmitted to the said Commissioners in manner and form by the said Act prescribed in respect of the annual estimates to be transmitted to the said Commissioners.

And after reciting that it was by the said recited Act provided, that certain parts of an Act, 7 Geo. 4. c. 72, intituled, 'An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in Ireland,' should be and the same were thereby repealed, but doubts and difficulties have arisen as to the mode of obtaining relief against such rates and assessments as have been rendered illegal by such repeal, by reason of the recognizances, notices, and other formalities made necessary by the said Act, 7 Geo. 4, in order to constitute an effectual appeal against any assessment or applotment under the said last-mentioned Act, and it is expedient to obviate all such doubts and difficulties, and to facilitate the trial of every such appeal upon the merits:—

It is Enacted,

XLII. That it shall not be necessary for any person who shall appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to enter into any recognizance whatsoever, either by himself or with any security or securities, but that the Justices before whom such appeal shall come on to be tried shall, upon proof that a notice in writing of such appeal was given to the incumbent or curate, or to both, or one of the churchwardens and three householders of the parish, chapelry, or union, six clear days at the least before such General or Quarter Sessions proceed to hear and determine such appeal upon the merits, and to award costs not exceeding 5*l.* against either party, as to them shall appear just.

XLIII. That at every vestry to be hereafter at any time called or holden in any parish, union, or chapelry, for the purpose of making any cess, rate, assessment, or applotment whatsoever, it shall be lawful for every parishioner, of whatever religious persuasion he may be, who shall be chargeable to such cess, rate, assessment, or applotment in such parish, union, or chapelry, to vote at such vestry respecting every matter or business therein brought forward.

XLIV. That it shall be lawful for the said Ecclesiastical Commissioners to inquire into and ascertain the amount of all such sums as may have been, at or previous to Easter week in the said year 1833, charged or chargeable upon any parish, union, or chapelry, for or on account of any balance of account, costs, damages, or expenses due to any churchwarden, or to any clerk or sexton for his maintenance, and also the amount of any arrears of vestry cess accrued due and not collected for the years 1831 or 1832 with which any churchwarden may have been charged in his account, and which he may have paid and cannot recover, and also the amount of all sums which any churchwarden or person may have paid or for which he may be liable on behalf of any parish, union, or chapelry, for any purpose now executed, and for which a vestry assessment may have been made in the year 1831 or 1832 or 1833, not exceeding the arrears due upon such assessment; and the said Commissioners, having satisfied themselves of the amount of all such sums as aforesaid, shall, in such manner and to such extent, and subject to such regulations as they in their discretion shall think just and necessary, pay the said sums to the persons respectively entitled thereto.

And after reciting that it is necessary, in order to enable the said Ecclesiastical Commissioners to provide for the purposes heretofore defrayed by vestry assessment according to the provisions of the said recited Act and this Act, that such Commissioners should be empowered to borrow a sum of money by way of mortgage or loan on the credit of the funds accruing to them under the provisions of the said Act:—

It is Enacted,

XLV. That it shall and may be lawful for the Commissioners acting under and in execution of an Act, 2 & 3 Will. 4, * intituled, 'An Act for the Extension and Promotion of Public Works in Ireland,' by and with the consent and approbation of the Lords Commissioners of His Majesty's Treasury, to lend and advance to the said Ecclesiastical Commissioners such sum or sums of money, not exceeding in the whole 100,000*l.*, as they shall think proper, to be repaid to the said Commissioners for the extension and promotion of public works in Ireland in such manner and at such times, with interest for the same, at and after such rate, not exceeding 4*l. per centum per annum* on the sum or sums so advanced, as the said Commissioners of the Treasury shall direct and require; and all sums so lent and advanced shall, with the interest from time to time accruing due thereon, be and the same are hereby charged upon all and every the rents, issues, and profits of all lands, tenements, or hereditaments, and the annual tax and the proceeds thereof, and all and every sum or sums of money, or securities for money, vested in or which shall accrue to the said Ecclesiastical Commissioners and their successors under and by virtue of the said Act, and all interest, dividends, profits, and proceeds thereof; and the said Ecclesiastical Commissioners are hereby authorized and required to pay such sums of money, and such interest from time to time accruing due thereon, when and as the same shall become due and payable respectively, pursuant to the order and direction of the said Commissioners of the Treasury, from and out of the produce of the said rents, issues, and profits, and the said tax, and the other funds vested in or accruing to such Ecclesiastical Commissioners under the said Act, prior and in preference to any other application thereof.

XLVI. That the said recited Act, 3 & 4 Will. 4. c. 37, for altering and amending the laws relating to temporalities of the Church in Ireland shall continue in full force and effect, save and except so far as the same is expressly repealed or altered by this present Act; and that the said recited Act and this Act shall be construed together as one Act to all intents and purposes whatsoever.

XLVII. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. XCI. — IRELAND.

AN ACT to continue for One Year, and from thence to the end of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads which will expire during the present or before the End of the next Session of Parliament, and to amend the several Acts regulating the Post Roads, in *Ireland*.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Continuation of Acts.*
2. *In default of the attendance of cess-payers at Special Sessions under 3 & 4 Will. 4. c. 78, the Justices may proceed with the business.*
3. *Grand Jury empowered to make presentment of sums necessary to reimburse supervisor, &c. under certain conditions.*
4. *Commissioners of Public Works may, on application to Postmaster General, and with consent of Lord Lieutenant, cause post roads to be repaired.*
5. *Amount of money expended in such repairs to be certified to the Grand Jury of the county, who shall raise the same by presentment.*
6. *Expense of repairing bridges between counties to be borne equally.*
7. *Continuation of Act.*

By this ACT,

After stating that it is expedient that the several Acts for making, amending, and repairing the turnpike roads in *Ireland* which will expire during the present session or before the end of the next session of Parliament should be continued for a limited time :—

It is Enacted,

1. That all and every Act and Acts of Parliament for making, amending, and repairing any turnpike roads in *Ireland* which will expire during the present session or before the end of the next session of Parliament shall be and the same is and are hereby continued for one year from the passing of this Act, and until the end of the then next session of Parliament.

And after noticing that by an Act, 3 & 4 Will. 4. c. 78, intituled, 'An Act to amend the Laws relating to Grand Juries in *Ireland*,' it was provided that a certain number of cess-payers should be associated with the Justices of the Peace at certain meetings of special sessions and adjournments thereof to be holden at the times and for the purposes in the said Act mentioned, and doubts have arisen as to the competence of such Justices to proceed in the business of such sessions or adjournment in default of the attendance of such cess-payers; for removal of such doubts—

It is Enacted,

11. That the Justice or Justices attending at such special sessions or any adjournment thereof shall, in default of the attendance of such cess-payers, have full power and authority to do all such matters and things as it is by the said Act provided shall or may be done at such special sessions or adjournment thereof respectively.

And after stating that doubts have arisen upon the construction of the said recited Act in respect of the office or appointment of supervisors of roads in *Ireland*, and by reason thereof certain supervisors have continued to act, and certain Grand Juries have appointed persons to be supervisors of roads; and that it is expedient to remove such doubts and to prevent the inconveniences resulting therefrom :—

It is Enacted,

111. That it shall and may be lawful for the Grand Jury of any county, county of a city, or county of a town where any such supervisors shall have acted or been appointed as aforesaid, to make presentment of such sum or sums of money as shall be necessary to reimburse and defray all sums advanced and laid out by such supervisor, and for the payment of any deputy or deputies of such supervisor, provided that an affidavit made and signed before some Justice of the Peace by such supervisor shall be laid before the Grand Jury, stating that the work has been properly executed, together with an affidavit made and signed in like manner by the deputy employed in such work, stating that the money has been fairly and honestly expended, and is a reasonable charge to the best of his knowledge and belief, with the particulars of the expenditure: Provided always, that on and after the 1st of January 1835 all powers, duties, and authorities belonging to the said office of supervisor of roads shall wholly cease and determine, and the said office shall be and is hereby on and from that day abolished.

And after reciting that under and by virtue of certain Acts now in force in *Ireland*, the Commissioners acting under and in execution of an Act, 1 & 2 Will. 4. c. 33, intituled, 'An Act for the Extension and Promotion of Public Works in *Ireland*,' are authorized and required, upon the application of His Majesty's Postmaster General for the time being, to cause surveys, maps, plans, and estimates of the several lines of post roads in *Ireland* to be prepared when and as such Postmaster General shall certify to the said Commissioners that the same is necessary or advisable, and such Commissioners are required to cause such surveys, maps, plans, and estimates, when so prepared, to be laid before the respective Grand Juries at the next Assizes or next term of each and every county, county of a town or city, through any part of which any line of road referred to in such surveys or maps may pass or be carried; and if such Grand Juries shall so think fit, they are authorized to present the same, and the alterations thereof pointed out and recommended in any such survey, and all sums necessary for laying out,

forming, gravelling, fencing, and repairing the same, and for the other purposes connected therewith: And that it is expedient that provision should be made for the more speedy and effectual repair of roads in Ireland upon which His Majesty's mails are carried:—

It is Enacted,

IV. That it shall be lawful for the said Commissioners, upon the application of the said Postmaster General for the time being, setting forth and describing the line of any such road, or the portion of any such road, not being a turnpike road, which may stand in need of repair, by and with the consent of the Lord Lieutenant or other Chief Governor or Governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, gullet, and wall thereon, to be put forthwith into good and sufficient repair accordingly under the superintendence of the county surveyor; and that upon the application of the said Commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to direct, by his or their warrant or warrants, that the sum or sums of money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said Commissioners in manner aforesaid.

V. That whenever any such road or bridge, or any portion thereof, shall be put in good and sufficient repair, under the direction of the said Commissioners, by virtue of the provisions of this Act, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of any and every county within which any such road or bridge, or any portion thereof, shall be situate respectively, a certificate of the amount of money which shall have been so expended upon the repair of any such road or bridge, or any portion thereof, and the other expenses aforesaid, within any and every such county respectively, together with an account of the items of such expenditure, attested by the said county surveyor; and every such certificate and account shall at the next or some succeeding Assizes be laid before the Grand Jury of any and every such county respectively; and thereupon it shall and may be lawful to and for the Grand Jury of any and every such county respectively, and any and every such Grand Jury are hereby authorized and required, to make presentment of the amount of such expenses as stated in such certificate to be raised off such county at large; and it shall not be lawful for the Court at any Assizes to fiat any presentment for raising any other money until such presentment for such expenses be first made and allowed; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of any and every such county respectively, such treasurer shall pay over the same respectively to the collector of Excise for the district in which such road or bridge, or portion thereof, shall be respectively situate, to be by him accounted for as any other public monies which may come into his hands.

VI. That where any bridge which shall be repaired as aforesaid shall be situate partly in one county and partly in another, the expense of repairing such bridge shall be borne and defrayed equally between the several counties, and the certificates and presentments by this Act required shall be made and raised accordingly.

VII. That this Act, in so much as respects the repair of roads on the application of His Majesty's Postmaster General, shall be and remain in force for the term of one year from the passing thereof, and until the end of the then next session of Parliament.

CAP. XCII.—IRELAND.

AN ACT for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in *Ireland*.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *Meaning of certain words and expressions: "Lands," "Estate," "Base Fee," "Estate Tail," "Actual Tenant in Tail," "Tenant in Tail," "Tenant in Tail entitled to a Base Fee," "Money," "Person."—Number and gender.—Settlement.*
2. *No fine or recovery to be levied or suffered after the 31st of October 1834.*
3. *Persons liable after 31st of October 1834 to levy fines or suffer recoveries under covenants, to effect the purposes intended by means of this Act; but if a fine or recovery cannot be so effected, the persons liable to levy fines or suffer recoveries shall execute a deed, which shall have the same operation as the fine or recovery.*
4. *Fines made valid without amendment.*
5. *Recoveries made valid without amendment.*
6. *Saving jurisdiction in cases not provided for.*
7. *Recoveries made valid in certain cases where bargain and sale is not duly inrolled.*
8. *Recoveries invalid in consequence of there not being proper tenants to the writs of entry made valid in certain cases.*
9. *Certain cases in which fines and recoveries shall not be made valid by this Act.*
10. *As to the records of fines and recoveries in the Courts of Common Pleas in Dublin after the 31st of October 1834.*
11. *Estates tail, and estates expectant thereon, no longer barrable by warranty.*
12. *Power, after the 31st of October 1834, to dispose of lands entailed in fee simple, or for a less estate, saving the rights of certain persons.*

13. Power of disposition not to be exercised by women tenants in tail *ex provisione viri* under 10 Car. 1. sess. 2. c. 8. except with assent.
14. Except as to lands in settlements before this Act, the Act 10 Car. 1. c. 8 repealed.
15. Power of disposition limited.
16. Power, after the 31st of October 1834, to enlarge base fees; saving the rights of certain persons.
17. Issue inheritable not to bar expectancies.
18. Extent of the estate created by a tenant in tail by way of mortgage, or for any limited other purpose.
19. The owner of the first existing estate under a settlement, prior to an estate tail under the same settlement, to be the protector of the settlement.
20. Each of two or more owners of a prior estate to be the sole protector as to his share.
21. Where a married woman alone shall be the protector, and where she and her husband together shall be protector.
22. Persons empowered to dispose of lands not being vested estate.
23. As to estates confirmed or restored by settlement.
24. As to leases at rent created by settlement.
25. No tenant in dower, heir, executor, &c. to be protector, except in the case of a bare trustee.
26. Who shall be the protector where the owner of the prior estate shall by the two last clauses be excluded.
27. Where, in the disposition of an estate before the 31st of October 1834, the person to make the tenant to the writ of entry in a recovery shall be the protector.
28. Where, in the case of the disposition of a reversion on or before the 31st of October 1834, the person to make the tenant to the writ of entry in a recovery shall be the protector.
29. Where a bare trustee under a settlement made before the passing of this Act shall be the protector.
30. Power to any settlor to appoint the protector.
31. In cases of lunacy, the Lord Chancellor, or Lord Keeper or Lords Commissioners, or other persons intrusted with lunatics, or, in cases of treason or felony, &c., the Court of Chancery, to be the protector.
32. Where there is a protector, his consent requisite to enable an actual tenant in tail to create a larger estate than a base fee.
33. Where a base fee, and a protector, his consent requisite to the exercising of a power of disposition.
34. The protector to be subject to no controul in the exercise of his power of consenting.
35. Certain rules of equity not to apply between the protector and a tenant in tail under the same.
36. A voidable estate by a tenant in tail, in favour of a purchaser, confirmed by a subsequent disposition of such tenant in tail under this Act, but not against a purchaser without notice.
37. Base fees, when united with the immediate reversions, enlarged instead of being merged.
38. Tenant in tail to make a disposition by deed, as if seised in fee, but not by will or contract; and if a married woman, with her husband's concurrence.
39. Every assurance by a tenant in tail, except a lease not exceeding twenty-one years at a rack rent, or not less than five sixths of a rack rent, to be inoperative unless inrolled in Chancery within six months.
40. Consent of the protector to be given by the same assurance, or by a distinct deed.
41. If by distinct deed, to be considered unqualified, unless he refer to the assurance.
42. Protector not to revoke his consent.
43. A married woman protector to consent as a feme sole.
44. Consent of a protector by distinct deed void, unless inrolled with or before the assurance.
45. Courts of equity excluded from giving any effect to dispositions by tenants in tail, or consents of protectors of settlements, which in courts of law would not be effectual.
46. Lord Chancellor, &c. to have power to consent to a disposition by a tenant in tail, and to make such orders as shall be thought necessary; and if any other person shall be joint protector, the disposition not to be valid without his consent.
47. Order of the Lord Chancellor, &c. to be evidence of consent.
48. Repeal of the Bankrupt Act, 11 & 12 Geo. 3. c. 8, so far as relates to estates tail, but not to extend to lands of a bankrupt under a commission issued on or before the 31st of October 1834.
49. The Commissioner, in the case of an actual tenant in tail becoming bankrupt after the 31st of October 1834, by deed to dispose of the lands of the bankrupt to a purchaser.
50. Commissioner, in case of a tenant in tail entitled to a base fee becoming bankrupt, and of there being no protector, by deed to dispose of the lands of the bankrupt to a purchaser.
51. As to the consent of the protector in case of bankruptcy.
52. As to the inrolment of the deed of disposition of lands.
53. Subsequent enlargement of base fees created by the disposition of the Commissioner.
54. Enlargement of base fees subsequent to the sale or conveyance of the same under the Bankrupt Acts.
55. A voidable estate created in favour of a purchaser by an actual tenant in tail becoming bankrupt, or by a tenant in tail entitled to a base fee becoming bankrupt, confirmed by the disposition of the Commissioner, if no protector, or being such with his consent, or on there ceasing to be a protector; but not against a purchaser without notice.
56. Acts of a bankrupt tenant in tail void against any disposition under this Act by the Commissioner.
57. Subject to the powers given to the Commissioner, and to the estate in the assignee, a bankrupt tenant in tail shall retain his powers of disposition.
58. The disposition by the Commissioner of the lands of a bankrupt tenant in tail shall, if the bankrupt be dead, have in the cases herein mentioned the same operation as if he were alive.
59. Assignees to recover rents of the lands of a bankrupt of which the Commissioner has power to make disposition and to enforce covenants, as if entitled to the reversion.—Clause to apply to lands of any tenure, &c.
60. All the provisions of the Act in regard to bankrupts shall apply to their lands in England.
61. Deeds relating to the lands of bankrupts in England to be inrolled in the Court of Chancery there.
62. Repeal of the Statutes 58 Geo. 3. c. 46. and 7 Geo. 4. c. 45, except as to proceedings commenced before the 1st of November 1834.
63. The previous clauses, with certain variations, to apply to lands of any tenure to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and where money is subject to be invested in like manner.

forming, gravelling, fencing, and repairing the same, and for the other purposes connected therewith : And that it is expedient that provision should be made for the more speedy and effectual repair of roads in Ireland upon which His Majesty's mails are carried :—

It is Enacted,

IV. That it shall be lawful for the said Commissioners, upon the application of the said Postmaster General for the time being, setting forth and describing the line of any such road, or the portion of any such road, not being a turnpike road, which may stand in need of repair, by and with the consent of the Lord Lieutenant or other Chief Governor or Governors of Ireland, to cause such road, or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, gullet, and wall thereon, to be put forthwith into good and sufficient repair accordingly under the superintendence of the county surveyor ; and that upon the application of the said Commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to direct, by his or their warrant or warrants, that the sum or sums of money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said Commissioners in manner aforesaid.

V. That whenever any such road or bridge, or any portion thereof, shall be put in good and sufficient repair, under the direction of the said Commissioners, by virtue of the provisions of this Act, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of any and every county within which any such road or bridge, or any portion thereof, shall be situate respectively, a certificate of the amount of money which shall have been so expended upon the repair of any such road or bridge, or any portion thereof, and the other expenses aforesaid, within any and every such county respectively, together with an account of the items of such expenditure, attested by the said county surveyor ; and every such certificate and account shall at the next or some succeeding Assizes be laid before the Grand Jury of any and every such county respectively ; and thereupon it shall and may be lawful to and for the Grand Jury of any and every such county respectively, and any and every such Grand Jury are hereby authorized and required, to make presentment of the amount of such expenses as stated in such certificate to be raised off such county at large ; and it shall not be lawful for the Court at any Assizes to sit any presentment for raising any other money until such presentment for such expenses be first made and allowed ; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of any and every such county respectively, such treasurer shall pay over the same respectively to the collector of Excise for the district in which such road or bridge, or portion thereof, shall be respectively situate, to be by him accounted for as any other public monies which may come into his hands.

VI. That where any bridge which shall be repaired as aforesaid shall be situate partly in one county and partly in another, the expense of repairing such bridge shall be borne and defrayed equally between the several counties, and the certificates and presentments by this Act required shall be made and raised accordingly.

VII. That this Act, in so much as respects the repair of roads on the application of His Majesty's Postmaster General, shall be and remain in force for the term of one year from the passing thereof, and until the end of the then next session of Parliament.

CAP. XCI.—IRELAND.

AN ACT for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in *Ireland*.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Meaning of certain words and expressions : " Lands," " Estate," " Base Fee," " Estate Tail," " Actual Tenant in Tail," " Tenant in Tail," " Tenant in Tail entitled to a Base Fee," " Money," " Person."—Number and gender.—Settlement.
2. No fine or recovery to be levied or suffered after the 31st of October 1834.
3. Persons liable after 31st of October 1834 to levy fines or suffer recoveries under covenants, to effect the purposes intended by means of this Act ; but if a fine or recovery cannot be so effected, the persons liable to levy fines or suffer recoveries shall execute a deed, which shall have the same operation as the fine or recovery.
4. Fines made valid without amendment.
5. Recoveries made valid without amendment.
6. Saving jurisdiction in cases not provided for.
7. Recoveries made valid in certain cases where bargain and sale is not duly enrolled.
8. Recoveries invalid in consequence of there not being proper tenants to the writs of entry made valid in certain cases.
9. Certain cases in which fines and recoveries shall not be made valid by this Act.
10. As to the records of fines and recoveries in the Courts of Common Pleas in Dublin after the 31st of October 1834.
11. Estates tail, and estates expectant thereon, no longer barrable by warranty.
12. Power, after the 31st of October 1834, to dispose of lands entailed in fee simple, or for a less estate, saving the rights of certain persons.

13. Power of disposition not to be exercised by women tenants in tail ex provisions viri under 10 Car. 1. sess. 2. c. 8. except with assent.
14. Except as to lands in settlements before this Act, the Act 10 Car. 1. c. 8 repealed.
15. Power of disposition limited.
16. Power, after the 31st of October 1834, to enlarge base fees; saving the rights of certain persons.
17. Issue inheritable not to bar expectancies.
18. Extent of the estate created by a tenant in tail by way of mortgage, or for any limited other purpose.
19. The owner of the first existing estate under a settlement, prior to an estate tail under the same settlement, to be the protector of the settlement.
20. Each of two or more owners of a prior estate to be the sole protector as to his share.
21. Where a married woman alone shall be the protector, and where she and her husband together shall be protector.
22. Persons empowered to dispose of lands not being vested estate.
23. As to estates confirmed or restored by settlement.
24. As to leases at rent created by settlement.
25. No tenant in dower, heir, executor, &c. to be protector, except in the case of a bare trustee.
26. Who shall be the protector where the owner of the prior estate shall by the two last clauses be excluded.
27. Where, in the disposition of an estate before the 31st of October 1834, the person to make the tenant to the writ of entry in a recovery shall be the protector.
28. Where, in the case of the disposition of a reversion on or before the 31st of October 1834, the person to make the tenant to the writ of entry in a recovery shall be the protector.
29. Where a bare trustee under a settlement made before the passing of this Act shall be the protector.
30. Power to any settlor to appoint the protector.
31. In cases of lunacy, the Lord Chancellor, or Lord Keeper or Lords Commissioners, or other persons intrusted with lunatics, or, in cases of treason or felony, &c., the Court of Chancery, to be the protector.
32. Where there is a protector, his consent requisite to enable an actual tenant in tail to create a larger estate than a base fee.
33. Where a base fee, and a protector, his consent requisite to the exercising of a power of disposition.
34. The protector to be subject to no controul in the exercise of his power of consenting.
35. Certain rules of equity not to apply between the protector and a tenant in tail under the same.
36. A voidable estate by a tenant in tail, in favour of a purchaser, confirmed by a subsequent disposition of such tenant in tail under this Act, but not against a purchaser without notice.
37. Base fees, when united with the immediate reversions, enlarged instead of being merged.
38. Tenant in tail to make a disposition by deed, as if seised in fee, but not by will or contract; and if a married woman, with her husband's concurrence.
39. Every assurance by a tenant in tail, except a lease not exceeding twenty-one years at a rack rent, or not less than five sixths of a rack rent, to be inoperative unless inrolled in Chancery within six months.
40. Consent of the protector to be given by the same assurance, or by a distinct deed.
41. If by distinct deed, to be considered unqualified, unless he refer to the assurance.
42. Protector not to revoke his consent.
43. A married woman protector to consent as a feme sole.
44. Consent of a protector by distinct deed void, unless inrolled with or before the assurance.
45. Courts of equity excluded from giving any effect to dispositions by tenants in tail, or consents of protectors of settlements, which in courts of law would not be effectual.
46. Lord Chancellor, &c. to have power to consent to a disposition by a tenant in tail, and to make such orders as shall be thought necessary; and if any other person shall be joint protector, the disposition not to be valid without his consent.
47. Order of the Lord Chancellor, &c. to be evidence of consent.
48. Repeal of the Bankrupt Act, 11 & 12 Geo. 3. c. 8, so far as relates to estates tail, but not to extend to lands of a bankrupt under a commission issued on or before the 31st of October 1834.
49. The Commissioner, in the case of an actual tenant in tail becoming bankrupt after the 31st of October 1834, by deed to dispose of the lands of the bankrupt to a purchaser.
50. Commissioner, in case of a tenant in tail entitled to a base fee becoming bankrupt, and of there being no protector, by deed to dispose of the lands of the bankrupt to a purchaser.
51. As to the consent of the protector in case of bankruptcy.
52. As to the inrolment of the deed of disposition of lands.
53. Subsequent enlargement of base fees created by the disposition of the Commissioner.
54. Enlargement of base fees subsequent to the sale or conveyance of the same under the Bankrupt Acts.
55. A voidable estate created in favour of a purchaser by an actual tenant in tail becoming bankrupt, or by a tenant in tail entitled to a base fee becoming bankrupt, confirmed by the disposition of the Commissioner, if no protector, or being such with his consent, or on there ceasing to be a protector; but not against a purchaser without notice.
56. Acts of a bankrupt tenant in tail void against any disposition under this Act by the Commissioner.
57. Subject to the powers given to the Commissioner, and to the estate in the assignee, a bankrupt tenant in tail shall retain his powers of disposition.
58. The disposition by the Commissioner of the lands of a bankrupt tenant in tail shall, if the bankrupt be dead, have in the cases herein mentioned the same operation as if he were alive.
59. Assignees to recover rents of the lands of a bankrupt of which the Commissioner has power to make disposition and to enforce covenants, as if entitled to the reversion.—Clause to apply to lands of any tenure, &c.
60. All the provisions of the Act in regard to bankrupts shall apply to their lands in England.
61. Deeds relating to the lands of bankrupts in England to be inrolled in the Court of Chancery there.
62. Repeal of the Statutes 58 Geo. 3. c. 46. and 7 Geo. 4. c. 45, except as to proceedings commenced before the 1st of November 1834.
63. The previous clauses, with certain variations, to apply to lands of any tenure to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and where money is subject to be invested in like manner.

64. *Lands of any tenure in England to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and money under the controul of a court of equity in England, subject to be invested in like manner, to be subject to this Act in cases of bankruptcy.*
65. *As to deeds being acknowledged before enrolment.*
66. *Every deed to be inrolled, by which lands or money shall be disposed of under this Act, to take effect as if enrolment not required.*
67. *The Court of Chancery to regulate the fees to be paid for the inrolment of deeds, &c.*
68. *A married woman, with her husband's concurrence, to dispose of lands, and money subject to be invested in the purchase of lands, and of any estate therein, and to release and extinguish powers, as a feme sole.*
69. *The powers of disposition given to a married woman by this Act not to interfere with any other powers.*
70. *Every deed by a married woman, not executed by her as protector, to be acknowledged by her before a Judge, &c.*
71. *The Judge, &c. before receiving such acknowledgment, to examine her apart from her husband.*
72. *As to the appointment of perpetual Commissioners for each county or place, and the making out and keeping of the lists of the Commissioners, and the delivery of copies.*
73. *Power of perpetual Commissioners not confined to any particular place.*
74. *If, from being beyond seas, &c. a married woman be prevented from making the acknowledgment, special Commissioners to be appointed.*
75. *When a married woman shall acknowledge a deed, the person taking the acknowledgment to sign a memorandum to the effect here mentioned;—and also sign a certificate of the taking of such acknowledgment, to the effect here mentioned.*
76. *Certificate, with affidavit verifying the same, to be lodged with some officer of the Court of Common Pleas, who shall cause the same to be filed of record in the court.*
77. *On filing certificate, the deed by relation, to take effect from time of acknowledgment.*
78. *The officer with whom the certificates are lodged to make an index of the same.*
79. *Officer to deliver a copy of certificate filed, which shall be evidence.*
80. *Chief Justice of Common Pleas to appoint the officer with whom the certificates shall be lodged; and the Court to make orders touching the examination, memorandums, certificates, affidavits, &c.*
81. *Court of Common Pleas, in the case of a husband being lunatic, &c., may dispense with his concurrence, except where the Lord Chancellor or other persons intrusted with lunatics, or the Court of Chancery, shall be the protector of a settlement in lieu of the husband.*
82. *Act may be altered this session.*

By this ACT, it is Enacted,

I. That in the construction of this Act the word "Lands" shall extend to advowsons, rectories, messuages, lands, tenements, tithes, rents, and hereditaments of any tenure, and whether corporeal or incorporeal, and any undivided share thereof; and the word "Estate" shall extend to an estate in equity as well as at law, and shall also extend to any interest, charge, right, title, lien, or incumbrance in, upon, to, or affecting lands, either at law or in equity, whether present or vested, or future or contingent, and shall also extend to any interest, charge, lien, or incumbrance in, upon, or affecting money subject to be invested in the purchase of lands; and the expression "Base Fee" shall mean exclusively that estate in fee simple into which an estate tail is converted where the issue in tail are barred, but persons claiming estates by way of remainder or otherwise are not barred; and the expression "Estate Tail," in addition to its usual meaning, shall mean a base fee into which an estate tail shall have been converted; and the expression "actual Tenant in Tail" shall mean exclusively the tenant of an estate tail which shall not have been barred, and such tenant shall be deemed an actual tenant in tail, although the estate tail may have been divested or turned to a right; and the expression "Tenant in Tail" shall mean, not only an actual tenant in tail, but also a person who, where an estate tail shall have been barred and converted into a base fee, would have been tenant of such estate tail if the same had not been barred; and the expression "Tenant in Tail entitled to a Base Fee" shall mean a person entitled to a base fee, or to the ultimate beneficial interest in a base fee, and who if the base fee had not been created would have been actual tenant in tail; and the expression "Money subject to be invested in the Purchase of Lands" shall include money whether raised or to be raised, and whether the amount thereof be or be not ascertained, and shall extend to stocks and funds, and real and other securities, the produce of which is directed to be invested in the purchase of lands, and the lands to be purchased with such money or produce shall extend to lands of any tenure in England or elsewhere out of Ireland where such lands or any of them are within the scope or meaning of the trust or power directing or authorizing the purchase; and the word "Person" shall extend to a body politic, corporate, or collegiate, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and every assurance, already made or hereafter to be made, whether by deed, will, private Act of Parliament, or otherwise, by which lands are or shall be entailed or agreed or directed to be entailed, shall be deemed a settlement; and every appointment made in exercise of any power contained in any settlement, or of any other power arising out of the power contained in any settlement, shall be considered as part of such settlement, and the estate created by such appointment shall be considered as having been created by such settlement; and where any such settlement is or shall be made by will, the time of the death of the testator shall be considered the time when such settlement was made: Provided always, that these words and expressions occurring in this clause to which more than one meaning is to be attached shall not have the different meanings given to them by this clause in those cases in which there is anything in the subject or context repugnant to such construction.

II. That after the 31st of October 1834 no fine shall be levied or common recovery suffered of lands of any tenure in Ireland, except where parties intending to levy a fine or suffer a common recovery shall before the 31st of October 1834 have sued out a writ of dedimus or any other writ in the regular proceedings of such fine or recovery; and any fine or common recovery which shall be levied or suffered contrary to this provision shall be absolutely void.

III. That in case any person shall, after the 31st of October 1834, be liable to levy a fine or suffer a common recovery of lands of any tenure, in Ireland, or to procure some other person to levy a fine or suffer a common recovery of lands of any tenure, under a covenant or agreement already entered into, or hereafter to be entered into before the 1st of November 1834, then and in such case, if all the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act,

the person liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery, shall after the 31st of October 1834 be subject and liable under such covenant or agreement to make or to procure to be made such a disposition under this Act as will effect all the purposes intended to be effected by such fine or recovery; but if some only of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, then the person so liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery as aforesaid, shall after the 31st of October 1834 be subject and liable under such covenant or agreement to make or procure to be made such a disposition under this Act as will effect such of the purposes intended to be effected by such fine or recovery as can be effected by a disposition under this Act; and in those cases where the purposes intended to be effected by such fine or recovery, or any of them, cannot be effected by any disposition under this Act, then the person so liable to levy such fine or suffer such recovery, or to procure some other person to levy such fine or suffer such recovery as aforesaid, shall after the 31st of October 1834 be liable under such covenant or agreement to execute or procure to be executed some deed whereby the person intended to levy such fine or suffer such recovery shall declare his desire that such deed shall have the same operation and effect as such fine or recovery would have had if the same had been actually levied or suffered; and the deed by which such declaration shall be made shall, if none of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, have the same operation and effect in every respect as such fine or recovery would have had if the same had been actually levied or suffered; but if some only of the purposes intended to be effected by such fine or recovery can be effected by a disposition under this Act, then the deed by which such declaration shall be made shall, so far as the purposes intended to be effected by such fine or recovery cannot be effected by a disposition under this Act, have the same operation and effect in every respect as such fine or recovery would have had if the same had been actually levied or suffered.

IV. That if it shall be apparent, from the deed declaring the uses of any fine already levied or hereafter to be levied, that there is in the indentures, record, or any of the proceedings of such fine any error in the name of the conusor or conusee of such fine, or any misdescription or omission of lands intended to have been passed by such fine, then and in every such case the fine, without any amendment of the indentures, record, or proceedings in which such error, misdescription, or omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the lands intended to have been passed thereby, in the same manner as it would have done if there had been no such error, misdescription, or omission.

V. That if it shall be apparent, from the deed making the tenant to the writ of entry or other writ for suffering a common recovery already suffered or hereafter to be suffered, that there is in the exemplification, record, or any of the proceedings of such recovery any error in the name of the tenant, demandant, or vouchee in such recovery, or any misdescription or omission of lands intended to have been passed by such recovery, then and in every such case the recovery, without any amendment of the exemplification, record, or proceedings in which such error, misdescription, or omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the lands intended to have been passed thereby, in the same manner as it would have done if there had been no such error, misdescription, or omission.

VI. That nothing in this Act contained shall lessen or take away the jurisdiction of any Court to amend any fine or common recovery, or any proceeding therein, in cases not provided for by this Act.

VII. That no common recovery, already suffered or hereafter to be suffered, shall be invalid in consequence of the neglect to enrol in due time a bargain and sale purporting to make the tenant to the writ of entry or other writ for suffering such recovery, provided such recovery would have been valid if the bargain and sale purporting to make the tenant to the writ had been duly enrolled.

VIII. That no common recovery, already suffered or hereafter to be suffered, shall be invalid in consequence of any person in whom an estate at law was outstanding having omitted to make the tenant to the writ of entry or other writ for suffering such recovery, provided the person who was the owner of or had power to dispose of an estate in possession, not being less than an estate for a life or lives in the whole of the rents and profits of the lands in which such estate at law was outstanding, or the ultimate surplus of such rents and profits after payment of any charges thereout, and whether any surplus after payment of such charges shall actually remain or not, shall, within the time limited for making the tenant to the writ for suffering such recovery, have conveyed or disposed of such estate in possession to the tenant to such writ; and an estate shall be deemed to be an estate in possession, notwithstanding there shall be subsisting prior thereto any lease for lives or years, absolute or determinable, upon which a rent is reserved, or any term of years upon which no rent is reserved.

IX. That where any fine or common recovery shall before the passing of this Act have been wholly reversed such fine or recovery shall not be rendered valid by this Act; and where any fine or common recovery shall before the passing of this Act have been reversed as to some only of the parties thereto, or as to some only of the lands therein comprised, such fine or recovery shall not be rendered valid by this Act so far as the same shall have been reversed; and where any person who would have been barred by any fine or common recovery if valid shall before the passing of this Act have had any dealings with the lands comprised in such fine or recovery on the faith of the same being invalid, such fine or recovery shall not be rendered valid by this Act; and this Act shall not render valid any fine or common recovery as to lands of which any person shall at the time of the passing of this Act be in possession in respect of any estate which the fine or common recovery if valid would have barred, nor any fine or common recovery which before the passing of this Act any court of competent jurisdiction shall have refused to amend; nor shall this Act prejudice or affect any proceedings at law or in equity pending at the time of the passing of this Act in which the validity of such fine or recovery shall be in question between the party claiming under such fine or recovery and the party claiming adversely thereto; and such fine or recovery, if the result of such proceedings shall be to invalidate the same, shall not be rendered valid by this Act; and if such proceedings shall abate or become defective in consequence of the death of the party claiming under or adversely to such fine or recovery, any person who but for this Act would have a right of action or suit by reason of the invalidity of such fine or recovery shall retain such right, so that he commence proceedings within six calendar months after the death of such party.

x. That after the 31st of October 1834 the records of all fines and common recoveries levied and suffered in His Majesty's Court of Common Pleas in Dublin, and all the proceedings thereof, shall be deposited in such places and kept by such persons as the said Court of Common Pleas shall from time to time order or direct; and in the meantime the said records and proceedings shall remain in the same place where they are now deposited, and be kept by the person who would have continued entitled to the custody thereof if this Act had not been passed; and while the said records and proceedings shall be kept by such person, searches may be made, and extracts and copies obtained, as heretofore, and on paying the accustomed fees; and when any of the records and proceedings shall by the order of the said Court be kept by any other person, then, so far as relates to the records and proceedings in the custody of such other person, searches may be made, and extracts or copies obtained, at such times and on paying such fees as shall from time to time be ordered by the said Court; and the extracts or copies so obtained shall be as available in evidence as they would have been if obtained from the person whose duty it would have been to have made and delivered out the same if this Act had not been passed.

xi. That all warranties of lands which after the 31st of October 1834 shall be made or entered into by any tenant in tail thereof shall be absolutely void against the issue in tail, and all persons whose estates are to take effect after the determination or in defeasance of the estate tail.

xii. That after the 31st of October 1834 every actual tenant in tail, whether in possession, remainder, contingency, or otherwise, shall have full power to dispose of, for an estate in fee simple absolute, or for any less estate, the lands entailed, as against all persons claiming the lands entailed by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous act would have been vested in or might have been claimed by, the person making the disposition, at the time of his making the same, and also as against all persons whose estates are to take effect after the determination or in defeasance of any such estate tail, including the King's most excellent Majesty, his heirs and successors, as regards the title to His Majesty to any reversion or remainder created or reserved by any settlement or will, and which reversion or remainder shall have come or shall hereafter come to the Crown in consequence of the attainder of any person to whom the forfeited reversion or remainder was previously to such forfeiture limited by any settlement or will, but not in any other case, or where the title to the Crown shall have accrued by any other means; saving always the rights of all persons in respect of estates prior to the estate tail in respect of which such disposition shall be made, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

xiii. Provided always, That where, under any settlement made before the passing of this Act, any woman shall be tenant in tail of lands within the provisions of an Act, 10 Car. 1. sess. 2. c. 8, intituled, 'An Act for the Exposition of the Statute of Fines,' the power of disposition hereinbefore contained as to such lands shall not be exercised by her, except with such assent as if this Act had not been passed would under the provisions of the said Act, 10 Car. 1. c. 8, have rendered valid a fine or common recovery levied or suffered by her of such lands.

xiv. Provided always, That, except as to lands comprised in any settlement made before the passing of this Act, the said Act, 10 Car. 1. c. 8, shall be and the same is hereby repealed.

xv. Provided always, That the power of disposition hereinbefore contained shall not extend to tenants in tail after possibility of issue extinct.

xvi. That after the 31st of October 1834, in every case in which an estate tail in any lands shall have been barred and converted into a base fee, either before or on or after that day, the person who if such estate tail had not been barred would have been actual tenant in tail of the same lands shall have full power to dispose of such lands as against all persons whose estates are to take effect after the determination or in defeasance of the base fee into which the estate tail shall have been converted, so as to enlarge the base fee into a fee simple absolute, including the King's most excellent Majesty, his heirs and successors, as regards the title to His Majesty to any reversion or remainder created or reserved by any settlement or will, and which reversion or remainder shall have come or shall hereafter come to the Crown in consequence of the attainder of any person to whom the forfeited reversion or remainder was previously to such forfeiture limited by any settlement or will, but not in any other case, or where the title to the Crown shall have accrued by any other means; saving always the rights of all persons in respect of estates prior to the estate tail which shall have been converted into a base fee, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made: Provided always, that nothing in this Act contained shall authorize any tenant in tail or other person to defeat or bar any estate or interest which may at the time of passing this Act have been granted to any person or persons by His Majesty, or any of his predecessors, in any reversion or remainder which may have come to the Crown by attainder or otherwise.

xvii. Provided always, That nothing in this Act contained shall enable any person to dispose of any lands entailed in respect of any expectant interest or possibility which he may have as issue inheritable to any estate tail therein.

xviii. Provided always, That if a tenant in tail of lands shall make a disposition of the same under this Act by way of mortgage, or for any other limited purpose, then and in such case such disposition shall, to the extent of the estate thereby created, be an absolute bar in equity as well as at law to all persons as against whom such disposition is by this Act authorized to be made, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected: Provided always, that if the estate created by such disposition shall be only an estate *pour autre vie*, or for years absolute or determinable, or if, by a disposition under this Act by a tenant in tail of lands, an interest, charge, lien, or incumbrance shall be created, without a term of years absolute or determinable or any greater estate, for securing or raising the same, then such disposition shall in equity be a bar only so far as may be necessary to give full effect to the mortgage, or to such other limited purpose, or to such interest, lien, charge, or incumbrance, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected.

xix. That if at the time when there shall be a tenant in tail of lands under a settlement there shall be subsisting in the same lands or any of them under the same settlement any estate for years determinable on the dropping of a life or lives, or any greater estate, (not being an estate for years,) prior to the estate tail, then the person who shall be the owner of the prior estate,

or the first of such prior estates if more than one, then subsisting under the same settlement, or who would have been so if no absolute disposition thereof had been made, (the first of such prior estates, if more than one, being for all the purposes of this Act deemed the prior estate,) shall be the protector of the settlement so far as regards the lands in which such prior estate shall be subsisting, and shall for all the purposes of this Act be deemed the owner of such prior estate, although the same may have been charged or incumbered, either by the owner thereof or by the settlor, or otherwise howsoever, and although the whole of the rents and profits be exhausted, or required for the payment of the charges and incumbrances on such prior estate, and although such prior estate may have been absolutely disposed of by the owner thereof, or by or in consequence of the bankruptcy or insolvency of such owner, or by any other act or default of such owner; and that an estate by the curtesy, in respect of the estate tail, or of any prior estate created by the same settlement, shall be deemed a prior estate under the same settlement within the meaning of this clause; and that an estate by way of resulting use or trust to or for the settlor shall be deemed an estate under the same settlement within the meaning of this clause.

XX. Provided always, That where two or more persons shall be owners, under a settlement within the meaning of this Act, of a prior estate, the sole owner of which estate, if there had been only one, would in respect thereof have been the protector of such settlement, each of such persons, in respect of such undivided share as he could dispose of, shall for all the purposes of this Act be deemed the owner of a prior estate, and shall, in exclusion of the other or others of them, be the sole protector of such settlement to the extent of such undivided share.

XXI. Provided always, That where a married woman would if single be the protector of a settlement in respect of a prior estate which is not thereby settled or agreed or directed to be settled to her separate use, she and her husband together shall in respect of such estate be the protector of such settlement, and shall be deemed one owner; but if such prior estate shall by such settlement have been settled or agreed or directed to be settled to her separate use, then and in such case she alone shall in respect of such estate be the protector of such settlement.

XXII. That from and after the 31st of October 1834 it shall be lawful for any person, either before or after he shall become entitled in any manner, except as expectant heir of a living person, or as expectant heir of the body of a living person, to an estate in lands, not being a vested estate, and whether he be or be not ascertained as the person or one of the persons in whom the same may become vested, to dispose of such lands for the whole or any part of such estate therein by any assurance, whether deed, will, or any other instrument by which he could have made such disposition if such estate were a vested estate in possession: Provided nevertheless, that no such disposition shall be valid or have any effect where the person making the same shall not at the time of the disposition have become entitled to such estate, unless the deed, will, or other instrument by virtue of which he may become entitled be existing and in operation at the time of the disposition.

XXIII. Provided always, That except in the case of a lease hereinafter provided for, where an estate shall be limited by a settlement by way of confirmation, or where the settlement shall merely have the effect of restoring an estate, in either of those cases such estate shall for the purposes of this Act, so far as regards the protector of the settlement, be deemed an estate subsisting under such settlement.

XXIV. Provided always, That where a lease at a rent shall be created or confirmed by a settlement, the person in whose favour such lease shall be created or confirmed shall not in respect thereof be the protector of such settlement.

XXV. Provided always, That no woman in respect of her dower, and (except in the case hereinafter provided for of a bare trustee under a settlement made before the 31st of October 1834) no bare trustee, heir, executor, administrator, or assign, in respect of any estate taken by him as such bare trustee, heir, executor, administrator, or assign, shall be the protector of a settlement.

XXVI. Provided always, That where under any settlement there shall be more than one estate prior to an estate tail, and the person who shall be the owner within the meaning of this Act of any such prior estate in respect of which but for the two last preceding clauses or either of them he would have been the protector of the settlement shall by virtue of such clauses or either of them be excluded from being the protector, then and in such case the person (if any) who if such estate did not exist would be the protector of the settlement shall be such protector.

XXVII. Provided always, That where already, or before the 31st of October 1834, an estate under a settlement shall have been disposed of either absolutely or otherwise, and either for valuable consideration or not, the person who in respect of such estate would if this Act had not been passed have been the proper person to have made the tenant to the writ of entry, or other writ for suffering a common recovery of the lands entailed by such settlement shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

XXVIII. Provided always, That where any person having, either already, or before the 31st of October 1834, either for valuable consideration or not, disposed of, either absolutely or otherwise, a remainder or reversion in fee in any lands, or created any estate out of such remainder or reversion, would under this Act if this clause had not been inserted have been the protector of the settlement by which the lands were entailed in which such remainder or reversion may be subsisting, and thereby be enabled to concur in the barring of such remainder or reversion, which he could not have done if he had not become such protector, then and in every such case the person who if this Act had not been passed would have been the proper person to have made the tenant to the writ of entry or other writ for suffering a common recovery of such lands shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

XXIX. Provided always, That where under any settlement of lands made before the passing of this Act the person who if this Act had not been passed would have been the proper person to make the tenant to the writ of entry or other writ for suffering a common recovery of such lands for the purpose of barring any estate tail or other estate under such settlement shall be a bare trustee, such trustee shall, during the continuance of the estate conferring on him the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

x. That after the 31st of October 1834 the records of all fines and common recoveries levied and suffered in His Majesty's Court of Common Pleas in Dublin, and all the proceedings thereof, shall be deposited in such places and kept by such persons as the said Court of Common Pleas shall from time to time order or direct; and in the meantime the said records and proceedings shall remain in the same place where they are now deposited, and be kept by the person who would have continued entitled to the custody thereof if this Act had not been passed; and while the said records and proceedings shall be kept by such person, searches may be made, and extracts and copies obtained, as heretofore, and on paying the accustomed fees; and when any of the records and proceedings shall by the order of the said Court be kept by any other person, then, so far as relates to the records and proceedings in the custody of such other person, searches may be made, and extracts or copies obtained, at such times and on paying such fees as shall from time to time be ordered by the said Court; and the extracts or copies so obtained shall be as available in evidence as they would have been if obtained from the person whose duty it would have been to have made and delivered out the same if this Act had not been passed.

xi. That all warranties of lands which after the 31st of October 1834 shall be made or entered into by any tenant in tail thereof shall be absolutely void against the issue in tail, and all persons whose estates are to take effect after the determination or in defeasance of the estate tail.

xii. That after the 31st of October 1834 every actual tenant in tail, whether in possession, remainder, contingency, or otherwise, shall have full power to dispose of, for an estate in fee simple absolute, or for any less estate, the lands entailed, as against all persons claiming the lands entailed by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous act would have been vested in or might have been claimed by, the person making the disposition, at the time of his making the same, and also as against all persons whose estates are to take effect after the determination or in defeasance of any such estate tail, including the King's most excellent Majesty, his heirs and successors, as regards the title to His Majesty to any reversion or remainder created or reserved by any settlement or will, and which reversion or remainder shall have come or shall hereafter come to the Crown in consequence of the attainder of any person to whom the forfeited reversion or remainder was previously to such forfeiture limited by any settlement or will, but not in any other case, or where the title to the Crown shall have accrued by any other means; saving always the rights of all persons in respect of estates prior to the estate tail in respect of which such disposition shall be made, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

xiii. Provided always, That where, under any settlement made before the passing of this Act, any woman shall be tenant in tail of lands within the provisions of an Act, 10 Car. 1. sess. 2. c. 8, intituled, 'An Act for the Exposition of the Statute of Fines,' the power of disposition hereinbefore contained as to such lands shall not be exercised by her, except with such assent as if this Act had not been passed would under the provisions of the said Act, 10 Car. 1. c. 8, have rendered valid a fine or common recovery levied or suffered by her of such lands.

xiv. Provided always, That, except as to lands comprised in any settlement made before the passing of this Act, the said Act, 10 Car. 1. c. 8, shall be and the same is hereby repealed.

xv. Provided always, That the power of disposition hereinbefore contained shall not extend to tenants in tail after possibility of issue extinct.

xvi. That after the 31st of October 1834, in every case in which an estate tail in any lands shall have been barred and converted into a base fee, either before or on or after that day, the person who if such estate tail had not been barred would have been actual tenant in tail of the same lands shall have full power to dispose of such lands as against all persons whose estates are to take effect after the determination or in defeasance of the base fee into which the estate tail shall have been converted, so as to enlarge the base fee into a fee simple absolute, including the King's most excellent Majesty, his heirs and successors, as regards the title to His Majesty to any reversion or remainder created or reserved by any settlement or will, and which reversion or remainder shall have come or shall hereafter come to the Crown in consequence of the attainder of any person to whom the forfeited reversion or remainder was previously to such forfeiture limited by any settlement or will, but not in any other case, or where the title to the Crown shall have accrued by any other means; saving always the rights of all persons in respect of estates prior to the estate tail which shall have been converted into a base fee, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made: Provided always, that nothing in this Act contained shall authorize any tenant in tail or other person to defeat or bar any estate or interest which may at the time of passing this Act have been granted to any person or persons by His Majesty, or any of his predecessors, in any reversion or remainder which may have come to the Crown by attainder or otherwise.

xvii. Provided always, That nothing in this Act contained shall enable any person to dispose of any lands entailed in respect of any expectant interest or possibility which he may have as issue inheritable to any estate tail therein.

xviii. Provided always, That if a tenant in tail of lands shall make a disposition of the same under this Act by way of mortgage, or for any other limited purpose, then and in such case such disposition shall, to the extent of the estate thereby created, be an absolute bar in equity as well as at law to all persons as against whom such disposition is by this Act authorized to be made, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected: Provided always, that if the estate created by such disposition shall be only an estate *pour autre vie*, or for years absolute or determinable, or if, by a disposition under this Act by a tenant in tail of lands, an interest, charge, lien, or incumbrance shall be created, without a term of years absolute or determinable or any greater estate, for securing or raising the same, then such disposition shall in equity be a bar only so far as may be necessary to give full effect to the mortgage, or to such other limited purpose, or to such interest, lien, charge, or incumbrance, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected.

xix. That if at the time when there shall be a tenant in tail of lands under a settlement there shall be subsisting in the same lands or any of them under the same settlement any estate for years determinable on the dropping of a life or lives, or any greater estate, (not being an estate for years,) prior to the estate tail, then the person who shall be the owner of the prior estate,

or the first of such prior estates if more than one, then subsisting under the same settlement, or who would have been so if no absolute disposition thereof had been made, (the first of such prior estates, if more than one, being for all the purposes of this Act deemed the prior estate,) shall be the protector of the settlement so far as regards the lands in which such prior estate shall be subsisting, and shall for all the purposes of this Act be deemed the owner of such prior estate, although the same may have been charged or incumbered, either by the owner thereof or by the settlor, or otherwise howsoever, and although the whole of the rents and profits be exhausted, or required for the payment of the charges and incumbrances on such prior estate, and although such prior estate may have been absolutely disposed of by the owner thereof, or by or in consequence of the bankruptcy or insolvency of such owner, or by any other act or default of such owner; and that an estate by the curtesy, in respect of the estate tail, or of any prior estate created by the same settlement, shall be deemed a prior estate under the same settlement within the meaning of this clause; and that an estate by way of resulting use or trust to or for the settlor shall be deemed an estate under the same settlement within the meaning of this clause.

IX. Provided always, That where two or more persons shall be owners, under a settlement within the meaning of this Act, of a prior estate, the sole owner of which estate, if there had been only one, would in respect thereof have been the protector of such settlement, each of such persons, in respect of such undivided share as he could dispose of, shall for all the purposes of this Act be deemed the owner of a prior estate, and shall, in exclusion of the other or others of them, be the sole protector of such settlement to the extent of such undivided share.

XXI. Provided always, That where a married woman would if single be the protector of a settlement in respect of a prior estate which is not thereby settled or agreed or directed to be settled to her separate use, she and her husband together shall in respect of such estate be the protector of such settlement, and shall be deemed one owner; but if such prior estate shall by such settlement have been settled or agreed or directed to be settled to her separate use, then and in such case she alone shall in respect of such estate be the protector of such settlement.

XXII. That from and after the 31st of October 1834 it shall be lawful for any person, either before or after he shall become entitled in any manner, except as expectant heir of a living person, or as expectant heir of the body of a living person, to an estate in lands, not being a vested estate, and whether he be or be not ascertained as the person or one of the persons in whom the same may become vested, to dispose of such lands for the whole or any part of such estate therein by any assurance, whether deed, will, or any other instrument by which he could have made such disposition if such estate were a vested estate in possession: Provided nevertheless, that no such disposition shall be valid or have any effect where the person making the same shall not at the time of the disposition have become entitled to such estate, unless the deed, will, or other instrument by virtue of which he may become entitled be existing and in operation at the time of the disposition.

XXIII. Provided always, That except in the case of a lease hereinafter provided for, where an estate shall be limited by a settlement by way of confirmation, or where the settlement shall merely have the effect of restoring an estate, in either of those cases such estate shall for the purposes of this Act, so far as regards the protector of the settlement, be deemed an estate subsisting under such settlement.

XXIV. Provided always, That where a lease at a rent shall be created or confirmed by a settlement, the person in whose favour such lease shall be created or confirmed shall not in respect thereof be the protector of such settlement.

XXV. Provided always, That no woman in respect of her dower, and (except in the case hereinafter provided for of a bare trustee under a settlement made before the 31st of October 1834) no bare trustee, heir, executor, administrator, or assign, in respect of any estate taken by him as such bare trustee, heir, executor, administrator, or assign, shall be the protector of a settlement.

XXVI. Provided always, That where under any settlement there shall be more than one estate prior to an estate tail, and the person who shall be the owner within the meaning of this Act of any such prior estate in respect of which but for the two last preceding clauses or either of them he would have been the protector of the settlement shall by virtue of such clauses or either of them be excluded from being the protector, then and in such case the person (if any) who if such estate did not exist would be the protector of the settlement shall be such protector.

XXVII. Provided always, That where already, or before the 31st of October 1834, an estate under a settlement shall have been disposed of either absolutely or otherwise, and either for valuable consideration or not, the person who in respect of such estate would if this Act had not been passed have been the proper person to have made the tenant to the writ of entry, or other writ for suffering a common recovery of the lands entailed by such settlement shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

XXVIII. Provided always, That where any person having, either already, or before the 31st of October 1834, either for valuable consideration or not, disposed of, either absolutely or otherwise, a remainder or reversion in fee in any lands, or created any estate out of such remainder or reversion, would under this Act if this clause had not been inserted have been the protector of the settlement by which the lands were entailed in which such remainder or reversion may be subsisting, and thereby be enabled to concur in the barring of such remainder or reversion, which he could not have done if he had not become such protector, then and in every such case the person who if this Act had not been passed would have been the proper person to have made the tenant to the writ of entry or other writ for suffering a common recovery of such lands shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

XXIX. Provided always, That where under any settlement of lands made before the passing of this Act the person who if this Act had not been passed would have been the proper person to make the tenant to the writ of entry or other writ for suffering a common recovery of such lands for the purpose of barring any estate tail or other estate under such settlement shall be a bare trustee, such trustee shall, during the continuance of the estate conferring on him the right to make the tenant to such writ of entry or other writ, be the protector of such settlement.

xxx. Provided always, That it shall be lawful for any settlor entailing lands to appoint, by the settlement by which the lands shall be entailed, any number of persons *in esse*, not exceeding three, and not being aliens, to be protector of the settlement in lieu of the person who would have been the protector if this clause had not been inserted, and either for the whole or any part of the period for which such person might have continued protector, and by means of a power to be inserted in such settlement to perpetuate during the whole or any part of such period the protectorship of the settlement in any one person or number of persons *in esse*, and not being an alien or aliens, whom the donee of the power shall think proper by deed to appoint protector of the settlement, in the place of any one person or number of persons who shall die, or shall by deed relinquish his or their office of protector; and the person or persons so appointed shall, in case of there being no other person then protector of the settlement, be the protector, and shall, in case of there being any other person then protector of the settlement, be protector jointly with such other person: Provided nevertheless, that by virtue or means of any such appointment the number of the persons to compose the protector shall never exceed three: Provided further, nevertheless, that every deed by which a protector shall be appointed under a power in a settlement, and every deed by which a protector shall relinquish his office, shall be void, unless enrolled in His Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof: Provided further, nevertheless, that the person who but for this clause would have been sole protector of the settlement may be one of the persons to be appointed protector under this clause, if the settlor shall think fit, and shall, unless otherwise directed by the settlor, act as sole protector, if the other persons constituting the protector shall have ceased to be so by death, or relinquishment of the office by deed, and no other person shall have been appointed in their place.

xxxI. Provided always, That if any person, protector of a settlement, shall be lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, then the Lord High Chancellor of Ireland, or the Lord Keeper or the Lords Commissioners for the custody of the Great Seal of Ireland, for the time being, or other the person or persons for the time being intrusted by the King's sign manual with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, shall be the protector of such settlement in lieu of the person who shall be such lunatic or idiot, or of unsound mind as aforesaid; or if any person, protector of a settlement, shall be convicted of treason or felony, or if any person, not being the owner of a prior estate under a settlement, shall be protector of such settlement, and shall be an infant, or if it shall be uncertain whether such last-mentioned person be living or dead, then His Majesty's High Court of Chancery in Ireland shall be the protector of such settlement in lieu of the person who shall be an infant, or whose existence cannot be ascertained as aforesaid; or if any settlor entailing lands shall in the settlement by which the lands shall be entailed declare that the person who as owner of a prior estate under such settlement would be entitled to be protector of the settlement, shall not be such protector, and shall not appoint any person to be protector in his stead, then the said Court of Chancery shall, as to the lands in which such prior estate shall be subsisting, be the protector of the settlement during the continuance of such estate; or if in any other case where there shall be subsisting under a settlement an estate prior to an estate tail under the same settlement, and such prior estate shall be sufficient to qualify the owner thereof to be protector of the settlement, and there shall happen at any time to be no protector of the settlement as to the lands in which the prior estate shall be subsisting, the said Court of Chancery shall, while there shall be no such protector, and the prior estate shall be subsisting, be the protector of the settlement as to such lands.

xxxII. Provided always, That if at the time when any person, actual tenant in tail of lands under a settlement, but not entitled to the remainder or reversion in fee immediately expectant on the determination of his estate tail, shall be desirous of making under this Act a disposition of the lands entailed, there shall be a protector of such settlement, then and in every such case the consent of such protector shall be requisite to enable such actual tenant in tail to dispose of the lands entailed to the full extent to which he is hereinbefore authorized to dispose of the same; but such actual tenant in tail may without such consent make a disposition under this Act of the lands entailed, which shall be good against all persons who by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous act or default would have been vested in or might have been claimed by, the person making the disposition at the time of his making the same, shall claim the lands entailed.

xxxIII. Provided always, That where an estate tail shall have been converted into a base fee, in such case, so long as there shall be a protector of the settlement by which the estate tail was created, the consent of such protector shall be requisite to enable the person who would have been tenant of the estate tail if the same had not been barred to exercise, as to the lands in respect of which there shall be such protector, the power of disposition hereinbefore contained.

xxxIV. That any device, shift, or contrivance by which it shall be attempted to controul the protector of a settlement in giving his consent, or to prevent him in any way from using his absolute discretion in regard to his consent, and also any agreement entered into by the protector of a settlement to withhold his consent, shall be void; and that the protector of a settlement shall not be deemed to be a trustee in respect of his power of consent; and a court of equity shall not controul or interfere to restrain the exercise of his power or consent, nor treat his giving consent as a breach of trust.

xxxV. Provided always, That the rules of equity in relation to dealings and transactions between the donees of a power and any object of the power in whose favour the same may be exercised shall not be held to apply to dealings and transactions between the protector of a settlement and a tenant in tail under the same settlement, upon the occasion of the protector giving his consent to a disposition by a tenant in tail under this Act.

xxxVI. Provided always, That when a tenant in tail of lands under a settlement shall have already created or shall hereafter create in such lands or any of them a voidable estate in favour of a purchaser for valuable consideration, and shall afterwards under this Act, by any assurance other than a lease not requiring enrolment, make a disposition of the lands in which such voidable estate shall be created, or any of them, such disposition, whatever its object may be, and whatever may be the extent of the estate intended to be thereby created, shall, if made by the tenant in tail with the consent of the protector (if any) of the settlement, or by the tenant in tail alone if there shall be no such protector, have the effect of confirming such voidable estate in the lands thereby disposed of to its full extent as against all persons except those whose rights are saved by this Act; but if at the time of making the disposition there shall be a protector of the settlement, and such protector shall not consent to the disposition, and the tenant in tail shall not without such consent be capable under this Act of confirming the voidable estate to

its full extent, then and in such case such disposition shall have the effect of confirming such voidable estate so far as such tenant in tail would then be capable under this Act of confirming the same without such consent: Provided always, that if such disposition shall be made to a purchaser for valuable consideration, who shall not have express notice of the voidable estate, and if the deed or instrument creating such voidable estate shall not have been registered previous to such disposition, then and in such case the voidable estate shall not be confirmed as against such purchaser and the persons claiming under him.

XXXVII. That if a base fee in any lands, and the remainder or reversion in fee in the same lands, shall at the time of the passing of this Act, or at any time afterwards, be united in the same person, and at any time after the passing of this Act there shall be no intermediate estate between the base fee and the remainder or reversion, then and in such case the base fee shall not merge, but shall be *ipso facto* enlarged into as large an estate as the tenant in tail, with the consent of the protector, if any, might have created by any disposition under this Act if such remainder or reversion had been vested in any other person.

XXXVIII. That every disposition of lands under this Act by a tenant in tail thereof shall be effected by some one of the assurances (not being a will) by which such tenant in tail could have made the disposition if his estate were an estate at law in fee simple absolute: Provided nevertheless, that no disposition by a tenant in tail shall be of any force, either at law or in equity, under this Act, unless made or evidenced by deed; and that no disposition by a tenant in tail, resting only in contract, either express or implied, or otherwise, and whether supported by a valuable or meritorious consideration or not, shall be of any force at law or in equity under this Act, notwithstanding such disposition shall be made or evidenced by deed; and if the tenant in tail making the disposition shall be a married woman, the concurrence of her husband shall be necessary to give effect to the same, and any deed which may be executed by her for effecting the disposition shall be acknowledged by her as hereinafter directed.

XXXIX. That no assurance by which any disposition of lands shall be effected under this Act by a tenant in tail thereof (except a lease for any term not exceeding twenty-one years, to commence from the date of such lease, or from any time not exceeding twelve calendar months from the date of such lease, where a rent shall be thereby reserved which at the time of granting such lease shall be a rack rent, or not less than five sixths parts of a rack rent,) shall have any operation under this Act unless it be inrolled in His Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof; and if the assurance by which any disposition of lands shall be effected under this Act shall be a bargain and sale, such assurance, although not inrolled within the time prescribed by the Act, 10 Car. 1. sess. 2. c. 1. s. 17, intitled 'An Act expressing an Order for Uses, Wills, and Testaments,' shall, if inrolled in the said Court of Chancery within the time prescribed by this clause, be as good and valid as the same would have been if the same had been inrolled in the said Court within the time prescribed by the said Act, 10 Car. 1.

XL. That the consent of the protector of a settlement to the disposition under this Act of a tenant in tail shall be given either by the same assurance by which the disposition shall be effected, or by a deed distinct from the assurance, and to be executed either on or at any time before the day on which the assurance shall be made, otherwise the consent shall be void.

XLI. That if the protector of a settlement shall, by a distinct deed, give his consent to the disposition of a tenant in tail, it shall be considered that such protector has given an absolute and unqualified consent, unless in such deed he shall refer to the particular assurance by which the disposition shall be effected, and shall confine his consent to the disposition thereby made.

XLII. That it shall not be lawful for the protector of a settlement, who under this Act shall have given his consent to the disposition of a tenant in tail, to revoke such consent.

XLIII. That any married woman, being either alone or jointly with her husband protector of a settlement, may, under this Act, in the same manner as if she were a feme sole, give her consent to the disposition of a tenant in tail.

XLIV. That the consent of a protector to the disposition of a tenant in tail shall, if given by a deed distinct from the assurance by which the disposition shall be effected by the tenant in tail, be void, unless such deed be inrolled in His Majesty's High Court of Chancery either at or before the time when the assurance shall be inrolled.

XLV. That in cases of dispositions of lands under this Act by tenants in tail thereof, and also in cases of consents by protectors of settlements to dispositions of lands under this Act by tenants in tail thereof, the jurisdiction of courts of equity shall be altogether excluded, either on the behalf of a person claiming for a valuable or meritorious consideration or not, in regard to the specific performance of contracts and the supplying of defects in the execution either of the powers of disposition given by this Act to tenants in tail, or of the powers of consent given by this Act to protectors of settlements and the supplying under any circumstances of the want of execution of such powers of disposition and consent respectively, and in regard to giving effect in any other manner to any act or deed by a tenant in tail or protector of a settlement which in a court of law would not be an effectual disposition or consent under this Act; and that no disposition of lands under this Act by a tenant in tail thereof in equity, and no consent by a protector of a settlement to a disposition of lands under this Act by a tenant in tail thereof in equity, shall be of any force, unless such disposition or consent would in case of an estate tail at law be an effectual disposition or consent under this Act in a court of law.

XLVI. That in every case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or His Majesty's High Court of Chancery in Ireland, shall be the protector of a settlement, such Lord High Chancellor, Lord Keeper or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), while protector of such settlement, shall, on the motion or petition in a summary way by a tenant in tail under such settlement, have full power to consent to a disposition under this Act by such tenant in tail, and the disposition to be made by such tenant in tail upon such motion or petition as aforesaid shall be such as shall be approved of by such Lord High Chancellor, Lord Keeper or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be); and it shall be lawful for such Lord High Chancellor, Lord

Keeper or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), to make such orders in the matter as shall be thought necessary; and if such Lord High Chancellor, Lord Keeper or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), shall, in lieu of any such person as aforesaid, be the protector of a settlement, and there shall be any other person protector of the same settlement jointly with such person as aforesaid, then and in every such case the disposition by the tenant in tail, though approved of as aforesaid, shall not be valid, unless such other person being protector as aforesaid shall consent thereto in the manner in which the consent of the protector is by this Act required to be given.

XLVII. That in every case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal in Ireland, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or His Majesty's High Court of Chancery in Ireland, shall be the protector of a settlement, no document or instrument, as evidence of the consent of such protector to the disposition of a tenant in tail under such settlement, shall be requisite, beyond the order in obedience to which the disposition shall have been made.

XLVIII. That after the 31st of October 1834, so much of an Act, 11 & 12 Geo. 3. c. 8, intituled, 'An Act to prevent Frauds committed by Bankrupts,' as empowers the Commissioners named in any commission of bankrupt issued against a tenant in tail to make sale of any lands, tenements, and hereditaments whereof such bankrupt shall be seized of any estate tail in possession, reversion, or remainder, and whereof no reversion or remainder is in the Crown, the gift or provision of the Crown shall be and the same is hereby repealed: Provided always, that such repeal shall not extend to the lands, whatever the tenure may be, of any person adjudged a bankrupt under any commission of bankrupt which hath been or shall be issued before the 31st of October 1834.

XLIX. That any Commissioner acting in the execution of any commission which after the 31st of October 1834 shall be issued in pursuance of the said Act, 11 & 12 Geo. 3. c. 8, under which any person shall be adjudged a bankrupt, who at the time of issuing such commission, or at any time afterwards before he shall have obtained his certificate, shall be an actual tenant in tail of lands of any tenure, shall by deed dispose of such lands to a purchaser for valuable consideration, for the benefit of the creditors of such actual tenant in tail, and shall create by any such disposition as large an estate in the lands disposed of as the actual tenant in tail, if he had not become bankrupt, could have done under this Act at the time of such disposition: Provided always, that if at the time of the disposition of such lands or any of them, by such Commissioner as aforesaid, there shall be a protector of the settlement by which the estate of such actual tenant in tail in the lands disposed of by such Commissioner was created, and the consent of such protector would have been requisite to have enabled the actual tenant in tail, if he had not become bankrupt, to have disposed of such lands to the full extent to which if there had been no such protector he could under this Act have disposed of the same, and such protector shall not consent to the disposition, then and in such case the estate created in such lands, or any of them, by the disposition of such Commissioner, shall be as large an estate as the actual tenant in tail, if he had not become bankrupt, could at the time of such disposition have created under this Act in such lands without the consent of the protector.

L. That any Commissioner acting in the execution of any such commission as aforesaid, under which any person shall be adjudged a bankrupt who, at the time of issuing such commission or at any time afterwards before he shall have obtained his certificate, shall be a tenant in tail entitled to a base fee in lands of any tenure, shall by deed dispose of such lands to a purchaser for valuable consideration for the benefit of the creditors of the person so entitled as aforesaid, provided at the time of the disposition there be no protector of the settlement by which the estate tail converted into the base fee was created, and by such disposition the base fee shall be enlarged into as large an estate as the same could at the time of such disposition have been enlarged into under this Act by the person so entitled if he had not become bankrupt.

LI. That the Commissioner acting in the execution of any such commission as aforesaid under which a person being, or before obtaining his certificate becoming, an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall be adjudged a bankrupt, shall, if there shall be a protector of the settlement by which the estate tail of such actual tenant in tail, or the estate tail converted into a base fee (as the case may be), was created, stand in the place of such actual tenant in tail, or tenant in tail so entitled as aforesaid, so far as regards the consent of such protector; and the disposition of such lands or any of them by such Commissioner as aforesaid, if made with the consent of such protector, shall, whether such Commissioner may have made under this Act a prior disposition of the same lands, without the consent of such protector or not, or whether a prior sale or conveyance of the same lands shall have been made or not, under the said Act, 11 & 12 Geo. 3, or any Acts hereafter to be passed concerning bankrupts, have the same effect as such disposition would have had if such actual tenant in tail, or tenant in tail so entitled as aforesaid, had not become bankrupt, and such disposition had been made by him under this Act with the consent of such protector; and all the previous clauses in this Act, in regard to the consent of the protector to the disposition of a tenant in tail of lands not held by copy of court roll, and in regard to the time and manner of giving such consent, and in regard to the enrolment of the deed of consent, where such deed shall be distinct from the assurance by which the disposition of the Commissioner shall be effected, shall, except so far as the same may be varied by the clause next hereinafter contained, apply to every consent that may be given by virtue of this present clause.

LII. That every deed by which any Commissioner acting in the execution of any such commission as aforesaid shall, under this Act, dispose of lands, shall be void unless enrolled in His Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof.

LIII. That if any Commissioner acting in the execution of any such commission as aforesaid shall under this Act dispose of any lands of any tenure of which the bankrupt shall be actual tenant in tail, and in consequence of there being a protector of the settlement by which the estate of such actual tenant in tail was created, and of his not giving his consent, only a base fee shall by such disposition be created in such lands; and if at any time afterwards during the continuance of the base fee there shall cease to be a protector of such settlement, then and in such case, and immediately thereupon, such base fee shall be

enlarged into the same estate into which the same could have been enlarged under this Act if at the time of the disposition by such Commissioner as aforesaid there had been no such protector.

LIV. That if a tenant in tail entitled to a base fee in lands of any tenure shall be adjudged a bankrupt at the time when there shall be a protector of the settlement by which the estate tail converted into the base fee was created, and if such lands shall be sold or conveyed under the said Act, 11 & 12 Geo. 3, or any other Act hereafter to be passed concerning bankrupts, and if at any time afterwards during the continuance of the base fee in such lands there shall cease to be a protector of such settlement, then and in such case, and immediately thereupon, the base fee in such lands shall be enlarged into the same estate into which the same could have been enlarged under this Act if at the time of the adjudication of such bankruptcy there had been no such protector, and the Commissioner acting in the execution of the commission under which the tenant in tail so entitled shall have been adjudged a bankrupt had disposed of such lands under this Act.

LV. That where an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall have already created or shall hereafter create in such lands, or any of them, a voidable estate in favour of a purchaser for valuable consideration, and such actual tenant in tail or tenant in tail so entitled as aforesaid, shall be adjudged a bankrupt under any such commission as aforesaid, and the Commissioner acting in the execution of such commission shall make any disposition under this Act of the lands in which such voidable estate shall be created, or any of them, then and in such case, if there shall be no protector of the settlement by which the estate tail of the actual tenant in tail, or the estate tail converted into a base fee, as the case may be, was created, or being such protector he shall consent to the disposition by such Commissioner as aforesaid, whether such Commissioner may have made under this Act a previous disposition of such lands or not, or whether a prior sale or conveyance of the same lands shall have been made or not under 11 & 12 Geo. 3, or any other Acts hereafter to be passed concerning bankrupts, the disposition by such Commissioner shall have the effect of confirming such voidable estate in the lands thereby disposed of to its full extent as against all persons, except those whose rights are saved by this Act; and if at the time of the disposition by such Commissioner, in the case of an actual tenant in tail, there shall be a protector, and such protector shall not consent to the disposition by such Commissioner, and such actual tenant in tail, if he had not been adjudged a bankrupt, would not without such consent have been capable under this Act of confirming the voidable estate to its full extent, then and in such case such disposition shall have the effect of confirming such voidable estate so far as such actual tenant in tail, if he had not been adjudged a bankrupt, could at the time of such disposition have been capable under this Act of confirming the same without such consent; and if at any time after the disposition of such lands by such Commissioner, and while only a base fee shall be subsisting in such lands, there shall cease to be a protector of such settlement, and such protector shall not have consented to the disposition by such Commissioner, then and in such case such voidable estate, so far as the same may not have been previously confirmed, shall be confirmed to its full extent as against all persons except those whose rights are saved by this Act: Provided always, that if the disposition by any such Commissioner as aforesaid shall be made to a purchaser for valuable consideration, who shall not have express notice of the voidable estate, and if the deed or instrument making such voidable estate shall not have been registered previous to such disposition, then and in such case the voidable estate shall not be confirmed against such purchaser and the persons claiming under him.

LVI. That all acts and deeds done and executed by a tenant in tail of lands of any tenure who shall be adjudged a bankrupt under any such commission as aforesaid, and which shall affect such lands or any of them, and which, if he had been seised of or entitled to such lands in fee simple absolute, would have been void against the assignees of the bankrupt's estate, and all persons claiming under them, shall be void against any disposition which may be made of such lands under this Act by such Commissioner as aforesaid.

LVII. That, subject and without prejudice to the powers of disposition given by this Act to the Commissioner acting in the execution of any such commission as aforesaid under which a person being, or before obtaining his certificate becoming, an actual tenant in tail of lands of any tenure, or a tenant in tail entitled to a base fee in lands of any tenure, shall be adjudged a bankrupt, and also subject and without prejudice to the estate in such lands which may be vested in the assignees of the bankrupt's estate, and also subject and without prejudice to the rights of all persons claiming under the said assignees in respect of such lands, or any of them, such actual tenant in tail, or tenant in tail so entitled as aforesaid, shall have the same powers of disposition under this Act in regard to such lands as he would have had if he had not become bankrupt.

LXIII. That any disposition under this Act of lands of any tenure by any Commissioner acting in the execution of any such commission as aforesaid under which a person being, or before obtaining his certificate becoming, an actual tenant in tail of such lands, or a tenant in tail entitled to a base fee in such lands, shall be adjudged a bankrupt, shall, although the bankrupt be dead at the time of the disposition, be in the following cases as valid and effectual as the same would have been, and have the same operation under this Act as the same would have had, if the bankrupt were alive; (that is to say,) in case at the time of the bankrupt's decease there shall be no protector of the settlement by which the estate tail of the actual tenant in tail, or the estate tail converted into a base fee, (as the case may be,) was created; or in case the bankrupt had been an actual tenant in tail of such lands, and there shall at the time of the disposition be any issue inheritable to the estate tail of the bankrupt in such lands, and either no protector of the settlement by which the estate tail was created, or a protector of such settlement who in the manner required by this Act shall consent to the disposition, or a protector of such settlement who shall not consent to the disposition; or in case the bankrupt had been a tenant in tail entitled to a base fee in such lands, and there shall at the time of the disposition be any issue who if the base fee had not been created would have been actual tenant in tail of such lands, and either no protector of the settlement by which the estate tail converted into a base fee was created, or a protector of such settlement who in the manner required by this Act shall consent to the disposition.

LIX. That the rents and profits of any lands of which any Commissioner acting in the execution of any such commission as aforesaid hath power to make disposition under this Act shall, in the meantime and until such disposition shall be made, or until it shall be ascertained that such disposition shall not be required for the benefit of the creditors of the person adjudged bankrupt under the commission, be received by the assignees of the estate of the bankrupt for the benefit of his creditors; and the assignees may proceed by action of debt for the recovery of such rents and profits, or may distrain for the same upon the

lands subject to the payment thereof, and in case any action of trespass shall be brought for taking any such distress, may plead thereto the general issue, and give this Act or other special matter in evidence, and also, in case any such distress shall be replevied, shall have power to avow or make cognizance generally in such manner and form as any landlord may now do by virtue of the statute, 15 Geo. 2. c. 8, intituled, 'An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants,' or by any other law or statute now in force or hereafter to be made for the more effectually recovering of rent in arrear; and such assignees, and their bailiffs, agents, and servants, shall also have all such and the same remedies, powers, privileges, and advantages of pleading, avowing, and making cognizance, and be entitled to the same costs and damages, and the same remedies for the recovery thereof, as landlords, their bailiffs, agents, and servants, are now or hereafter may be by law entitled to have when rent is in arrear; and such assignees shall also have the same power and authority of enforcing the observance of all covenants, conditions, and agreements in respect of the lands of which such Commissioner as aforesaid hath the power of disposition under this Act, and in respect of the rents and profits thereof, and of entry into and upon the same lands for the non-observance of any such covenant, condition, and agreement, and of expelling and removing therefrom the tenants or other occupiers thereof, and of proceeding under the various statutes passed in Ireland providing the remedies of ejectment for the nonpayment of rent, and thereby determining and putting an end to the estate of the persons who shall not have observed such covenants, conditions, and agreements, as the bankrupt would have had in case he had not been adjudged a bankrupt: Provided always, that this clause shall apply to lands of any tenure which any Commissioner acting in the execution of any such commission as aforesaid may have power to dispose of under this Act, after the bankrupt's decease.

LX. That all the provisions in this Act contained for the benefit of the creditors of persons who under such commissions as aforesaid shall be adjudged bankrupts after the 31st of October 1834, and for the confirmation in consequence of bankruptcy of voidable estates created by them, shall extend and apply to the lands of any tenure in England of such persons, as fully and effectually as if this Act had throughout extended to lands of any tenure in England.

LXI. That in all cases of bankruptcy every deed of disposition under this Act of lands in England by any Commissioner acting in the execution of any such commission as aforesaid, and also every deed by which the protector of a settlement of lands in England shall consent, shall be inrolled in His Majesty's High Court of Chancery in England within six calendar months after the execution thereof, and not in His Majesty's High Court of Chancery in Ireland.

LXII. That after the 31st of October 1834, an Act, 58 Geo. 3. c. 46, intituled, 'An Act for Relief of Persons entitled to Entailed Estates to be purchased with Trust Monies in that Part of the United Kingdom called Ireland,' and also an Act, 7 Geo. 4. c. 45, intituled, 'An Act for repealing an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty, King George the Third, intituled, "An Act for the Relief of Persons entitled to entailed Estates to be purchased with Trust Monies, and for making further Provision in lieu thereof,"' shall be and the same are hereby repealed, except as to such proceedings under the Acts hereby repealed as shall have been commenced before the 1st of November 1834, and which may be continued under the authority and according to the provisions of the Acts hereby repealed.

LXIII. That lands to be sold, whether freehold or leasehold, or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled, so that any person, if the lands were purchased, would have an estate tail therein, and also money subject to be invested in the purchase of lands to be settled, so that any person, if the lands were purchased, would have an estate tail therein, shall for all the purposes of this Act be treated as the lands to be purchased, and be considered subject to the same estates as the lands to be purchased would, if purchased, have been actually subject to; and all the previous clauses in this Act, so far as circumstances will admit, shall in the case of the lands to be sold as aforesaid, being either freehold or leasehold, or of any other tenure, apply to such lands in the same manner as if the lands to be purchased with the money to arise from the sale thereof were directed to be freehold, and were actually purchased and settled, and shall, in the case of money subject to be invested in the purchase of lands to be so settled as aforesaid, apply to such money in the same manner as if such money were directed to be laid out in the purchase of freehold lands, and such lands were actually purchased and settled; save and except that in every case where under this clause a disposition shall be to be made of leasehold lands for years, absolute or determinable, so circumstanced as aforesaid, or of money so circumstanced as aforesaid, such leasehold lands or money shall, as to the person in whose favour or for whose benefit the disposition is to be made, be treated as personal estate; and except in case of bankruptcy the assurance by which the disposition of such leasehold lands or money shall be effected shall be an assignment by deed, which shall have no operation under this Act, unless inrolled in His Majesty's High Court of Chancery within six calendar months after the execution thereof; and in every case of bankruptcy the disposition of such leasehold lands or money shall be made by the Commissioner, and completed by inrolment in the same manner as hereinbefore required in regard to lands.

LXIV. That, so far as regards any person adjudged a bankrupt under any such commission as aforesaid, the provisions of the clause lastly hereinbefore contained shall, for the benefit of the creditors of the bankrupt, apply to lands in England to be sold, whether freehold or leasehold or of any other tenure, where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled so that the bankrupt, if the lands were purchased, would have an estate tail therein, and also to money under the controul of any court of equity in England, or of or to which any individuals as trustees may be possessed or entitled in England, and which shall be subject to be invested in the purchase of lands to be settled so that the bankrupt, if the lands were purchased, would have an estate tail therein, as fully and effectually as if this Act had throughout extended to England: Provided always, that every deed to be executed by any Commissioner or protector, in pursuance of this clause in regard to lands in England to be so sold as aforesaid, shall be inrolled in His Majesty's High Court of Chancery in England within six calendar months after the execution thereof; but every deed to be executed by any Commissioner or protector in pursuance of this clause in regard to money subject to be invested in the purchase of lands to be so settled as aforesaid, shall be inrolled in His Majesty's High Court of Chancery in Ireland within six calendar months after the execution thereof, and not in His Majesty's High Court of Chancery in England.

LXV. That any rule or practice requiring deeds to be acknowledged before inrolment shall not apply to any deed by this Act required to be inrolled in His Majesty's High Court of Chancery in Ireland.

LXVI. That every deed required to be inrolled in His Majesty's High Court of Chancery in Ireland, by which lands, or money subject to be invested in the purchase of lands, shall be disposed of under this Act, shall, when inrolled as required by this Act, operate and take effect in the same manner as it would have done if the inrolment thereof had not been required, except that every such deed shall be void against any person claiming the lands or money thereby disposed of, or any part thereof, for valuable consideration, under any subsequent deed duly inrolled under this Act, if such subsequent deed shall be first inrolled.

LXVII. That it shall be lawful for His Majesty's High Court of Chancery in Ireland, as to deeds to be inrolled in Ireland under this Act, from time to time to make such orders as the Court shall think fit touching the amount of the fees and charges to be paid for the inrolment of such deeds, and to be paid for searches for such deeds in the Office of Inrolments, and to be paid for copies of the inrolments of deeds under this Act, where such copies are examined with the inrolments, and signed by the proper officer having the custody of such inrolments.

LXVIII. That after the 31st of October 1834 it shall be lawful for every married woman in every case except that of being tenant in tail, for which provision is already made by this Act, by deed to dispose of lands of any tenure, and money subject to be invested in the purchase of lands, and also to dispose of, disclaim, release, surrender, or extinguish any estate which she alone, or she and her husband in her right, may have in any lands of any tenure, or in any such money as aforesaid, and also to release or extinguish any power which may be vested in or limited or reserved to her in regard to any lands of any tenure, or any such money as aforesaid, or in regard to any estate in any lands of any tenure, or in any such money as aforesaid, as fully and effectually as she could do if she were a feme sole; save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as hereinafter directed.

LXIX. That the powers of disposition given to a married woman by this Act shall not interfere with any power which, independently of this Act, may be vested in or limited or reserved to her, so as to prevent her from exercising such power in any case, except so far as by any disposition made by her under this Act she may be prevented from so doing in consequence of such power having been suspended or extinguished by such disposition; but such powers of disposition shall not enable a married woman to dispose of lands, or any estate therein, where the settlement or other instrument under which she may be entitled to the same shall contain a valid restriction against the anticipation thereof by such married woman.

LXX. That every deed to be executed by a married woman for any of the purposes of this Act, except such as may be executed by her in the character of protector for the sole purpose of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same, or afterwards, be produced and acknowledged by her as her act and deed before a Judge of one of the superior courts at Dublin, or a Master in Chancery, or before two of the perpetual Commissioners, or two special Commissioners, to be respectively appointed as hereinafter provided.

LXXI. That such Judge, Master in Chancery, or Commissioners as aforesaid, before he or they shall receive the acknowledgment by any married woman of any deed by which any disposition, release, surrender, or extinguishment shall be made by her under this Act, shall examine her apart from her husband touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and unless she freely and voluntarily consents to such deed shall not permit her to acknowledge the same; and in such case such deed shall, so far as relates to the execution thereof by such married woman, be void.

LXXII. That for the purpose of providing convenient means of taking acknowledgments by married women of the deeds to be executed by them as aforesaid, the Lord Chief Justice of the Court of Common Pleas in Dublin shall from time to time appoint such proper person as he shall think fit, for every county, riding, division, or place for which there may be a Clerk of the Peace, to be perpetual Commissioners for taking such acknowledgments, and such Commissioners shall be removable by and at the pleasure of the said Lord Chief Justice; and lists of the names of such Commissioners for the time being, with the names of their places of residence, and the counties, ridings, divisions, or places for which they shall be respectively appointed to act, shall from time to time be made out and be kept by the officer of the Court of Common Pleas in Dublin, with whom the certificates of the acknowledgments by married women are to be lodged as hereinafter mentioned; and such officer shall from time to time transmit, without fee or reward, to the Clerk of the Peace for each county, riding, division, or place, or his deputy, a copy of the list to be so from time to time made out for that county, riding, division, or place; and such officer shall deliver a copy, signed by him, of the list for the time being for any county, riding, division, or place, to any person applying for the same; and the Clerk of the Peace for each county, riding, division, or place, or his deputy, shall deliver a copy, signed by him, of the list last transmitted to him as aforesaid, to any person applying for the same.

LXXIII. That any person appointed Commissioner for any particular county, riding, division, or place shall be competent to take the acknowledgment of any married woman wheresoever she may reside, and wheresoever the lands or money in respect of which the acknowledgment is to be taken may be.

LXXIV. That in those cases where, by reason of residence beyond seas, or ill health, or any other sufficient cause, any married woman shall be prevented from making the acknowledgment required by this Act before a Judge or a Master in Chancery, or any of the perpetual Commissioners to be appointed as aforesaid, it shall be lawful for the Court of Common Pleas in Dublin, or any Judge of that Court, to issue a commission specially appointing any persons therein named to be Commissioners to take the acknowledgment by any married woman to be therein named of any such deed as aforesaid: Provided always, that every such commission shall be made returnable within such time, to be therein expressed, as the said Court or Judge shall think fit.

LXXV. That when a married woman shall acknowledge any such deed as aforesaid, the Judge, Master in Chancery, or Commissioners taking such acknowledgment shall sign a memorandum, to be indorsed on or written at the foot or in the margin of such deed; which memorandum, subject to any alteration which may from time to time be directed by the Court of Common Pleas, shall be to the following effect; *videlicet*,

'THIS Deed, marked [here add some Letter or other Mark, for the Purpose of Identification], was this Day produced before me [or us], and acknowledged by therein named to be her Act and Deed; previous to which Acknowledgment the said was examined by me [or us] separately and apart from her Husband, touching her Knowledge of the Contents of the said Deed, and her Consent thereto, and declared the same to be freely and voluntarily executed by her.'

And the same Judge, Master in Chancery, or Commissioner shall also sign a certificate of the taking of such acknowledgment, to be written or engrossed on a separate piece of parchment; which certificate, subject to any alteration which may from time to time be directed by the Court of Common Pleas, shall be to the following effect; *videlicet*,

'THESE are to certify, That on the Day of in the Year One thousand eight hundred and before me, the undersigned Lord Chief Justice of the Court of Common Pleas in Dublin, [or before me One of the Justices of the Court of King's Bench in Dublin, or before me, the undersigned One of the Masters in Ordinary of the Court of Chancery, or before us, A. B. and C. D. Two of the perpetual Commissioners appointed for the for taking the acknowledgments of deeds by married women, pursuant to an Act passed in the Year of the Reign of His Majesty King William the Fourth, intitled, "An Act" [insert the Title of this Act], or before us, the undersigned A. B. and C. D. Two of the Commissioners specially appointed pursuant to an Act passed in the Year of the Reign of His Majesty King William the Fourth, intitled, "An Act" [insert the Title of this Act], for taking the Acknowledgment of any Deed by the Wife of] appeared personally the Wife of and produced a certain Indenture, marked [here add the Mark], bearing date the Day of and made between [insert the Names of the Parties], and acknowledged the same to be her Act and Deed; and I [or we] do hereby certify that the said was at the Time of her acknowledging the said Deed of full Age and competent Understanding, and that she was examined by me [or us] apart from her Husband touching her Knowledge of the Contents of the said Deed, and that she freely and voluntarily consented to the same.'

LXXVI. That every such certificate as aforesaid of the taking of an acknowledgment by a married woman of any such deed as aforesaid, together with an affidavit by some person verifying the same and the signature thereof by the party by whom the same shall purport to be signed, shall be lodged with some officer of the Court of Common Pleas in Dublin to be appointed as hereinafter mentioned; and such officer shall examine the certificate, and see that it is duly signed, either by some Judge or Master in Chancery, or by two Commissioners appointed pursuant to this Act, and duly verified by affidavit as aforesaid, and shall also see that it contains such statement of particulars as to the consent of the married woman as shall from time to time be required in that behalf; and if all the requisites in this Act in regard to the certificate shall have been complied with, then such officer shall cause the said certificate and the affidavit to be filed of record in the said Court of Common Pleas.

LXXVII. That when the certificate of the acknowledgment of a deed by a married woman shall be so filed of record as aforesaid the deed so acknowledged shall, so far as regards the disposition, release, surrender, or extinguishment thereby made by any married woman whose acknowledgment shall be so certified concerning any lands or money comprised in such deed, take effect from the time of its being acknowledged, and the subsequent filing of such certificate as aforesaid shall have relation to such acknowledgment.

LXXVIII. That the officer of the Court of Common Pleas with whom such certificate as aforesaid shall be lodged shall make and keep an index of the same, and such index shall contain the names of the married women and their husbands alphabetically arranged, and the dates of such certificates and of the deeds to which the same shall respectively relate, and such other particulars as shall be found convenient; and every such certificate shall be entered in the index as soon as may be after such certificate shall have been filed.

LXXIX. That after the filing of any such certificate as aforesaid the officer with whom the certificate shall be lodged shall at any time deliver a copy, signed by him, of any such certificate, to any person applying for such copy; and every such copy shall be received as evidence of the acknowledgment of the deed to which such certificate shall refer.

LXXX. That the Lord Chief Justice of the Court of Common Pleas in Dublin shall from time to time appoint the person who shall be the officer with whom such certificate as aforesaid shall for the time being be lodged, and may remove him at pleasure; and the Court of Common Pleas in Dublin shall also from time to time make such orders and regulations as the Court shall think fit, touching the mode of examination to be pursued by the Commissioners to be appointed under this Act, and touching the particular matters to be mentioned in such memorandum and certificates as aforesaid, and the affidavits verifying the certificates, and the time within which any of the aforesaid proceedings shall take place, and touching the amount of the fees or charges to be paid for the copies to be delivered by the Clerks of the Peace or their deputies, or by the officer of the said Court, as herein-before directed, and also of the fees or charges to be paid for taking acknowledgments of deeds, and for examining married women, and for the proceedings, matters, and things required by this Act to be had, done, and executed for completing and giving effect to such acknowledgments and examinations.

LXXXI. That if a husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall have been found such by inquisition or not, shall from any other cause be incapable of executing a deed, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Court of Common Pleas in Dublin, by an order to be made in a summary way upon the application of the wife, and upon such evidence as to the said Court shall seem meet, to dispense with the concurrence of the husband in any case in which his concurrence is required by this Act or otherwise; and all acts or deeds to be done, executed, or made by the wife in pursuance of such order, in regard to lands of any tenure, or in regard to money subject to be invested in the purchase of lands, shall be done, executed, or made by her in the same manner as if she were a feme sole, and when done, executed, or made by her shall (but without prejudice to the rights of the husband as then existing independently of this Act) be as good and valid as they would have been if the husband had concurred: Provided always, that this clause shall not extend to the case of a married woman where under this Act the

Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, or other the person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or His Majesty's High Court of Chancery shall be the protector of a settlement in lieu of her husband.

LXXXII. That this Act or any part thereof may be altered, varied, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. XCH.—IRELAND.

AN ACT to amend the Laws relating to Appeals against summary Convictions before Justices of the Peace in Ireland.

(15th August 1834.)

By this ACT,

After reciting that General or Quarter Sessions of the Peace are holden in each of the divisions of counties in Ireland, and that it is expedient, for the ease and convenience of the parties concerned in appeals thereto from the orders or convictions of Justices of the Peace, that the hearing thereof should be limited to the Sessions holden in the division wherein such order or conviction has been made or pronounced :—

It is Enacted,

That from and after the passing of this Act every such appeal shall and may be heard and determined on at the next General or Quarter Sessions of the Peace to be held in the same division of the county wherein the order or conviction has been made or pronounced, and not at the sessions holden in any other division of such county ; anything in any Act to the contrary notwithstanding.

CAP. XCIV.

AN ACT to enable His Majesty to invest trading and other Companies with the Powers necessary for the due Conduct of their Affairs, and for the Security of the Rights and Interests of their Creditors.

(15th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. *His Majesty empowered, by letters patent, to grant to trading companies not incorporated certain privileges for protection of themselves and of the public.—Name of any member may be joined with principal officer in suits in equity.—No privilege to be granted until after three months' notice in Gazette.*
2. *Entry of grant of letters patent to be made in the office of Clerk of the Patents, and a memorandum thereof published in the London Gazette and in one newspaper in the neighbourhood of the association.*
3. *Decrees, judgments, &c. given against said company to extend to the property of such company and to the person and effects of every member thereof.*
4. *List of members' names, with their places of abode, to be filed with Clerk of Patents, and be open for inspection.*
5. *Saving privileges of existing companies.*

By this ACT,

After noticing that by an Act, 6 Geo. 4. c. 91, intituled, 'An Act to repeal so much of an Act passed in the Sixth Year of His late Majesty King George the First as relates to the restraining several extravagant and unwarrantable Practices in the said Act mentioned, and for conferring additional Powers upon His Majesty with respect to the granting of Charters of Incorporation to trading and other Companies,' it is amongst other things enacted, that in any charter hereafter to be granted by His Majesty, his heirs or successors, for the incorporation of any company or body of persons, it shall and may be lawful in and by such charter, and the members of such corporation shall thereby be rendered so liable accordingly : And that divers companies and bodies of persons do and may from time to time associate themselves together for trading, charitable, literary, or other purposes, which associations it would be inexpedient to incorporate by royal charters, granted either according to the rules of the common law, or in pursuance of the said recited Act, although it would be expedient to confer upon such associations, or some of them, some of the privileges of and incident to corporations created by royal charters, and especially the privilege of maintaining and defending suits, actions, prosecutions, or other legal proceedings, in the name or names of some one or more of the principal officers for the time being of such associations respectively :—

It is Enacted,

I. That it shall and may be lawful for His Majesty, his heirs and successors, by letters patent to be from time to time for that purpose issued under the Great Seal of the United Kingdom of Great Britain and Ireland, or in Scotland under the seal appointed by the Articles of Union to be used, and instead of the Great Seal thereof, to grant to any company or body of persons associated together for any trading, charitable, literary, or other purposes, and to the heirs, executors, administrators, and assigns of any such persons, although not incorporated by such letters patent, any privilege or privileges which, according to the rules of the common law, or in pursuance of the said recited Act, it would be competent to His Majesty, his heirs and successors, to grant to any such company or body of persons in and by any charter of incorporation, and especially the before-mentioned privilege of maintaining and defending actions, suits, prosecutions, and other proceedings, both at law and in equity, in the name or names of any one or more of the principal officers for the time being of any such associations respectively, which privileges shall be granted in and by such letters patent, in such manner and form, and upon such conditions for the prevention of abuses in the management of the affairs of any such associations, and for the security of the rights and interests of their creditors, and for the protection of the public at large, as His Majesty, his heirs and successors, shall by any such letters patent as aforesaid see fit from time to time to prescribe and impose; and any letters patent which shall be so granted and issued as aforesaid shall, to the extent of the privileges thereby granted, and subject to the conditions to be thereby imposed, be as valid and effectual in the law as if such privileges were granted and such conditions were imposed by any Act passed for granting and imposing the same: Provided always, that in all cases where such letters patent shall be granted to any such company or body of persons, it shall and may be lawful, in all suits or proceedings in equity commenced or instituted against the principal officer or officers of such company or body of persons, to join, for the purpose of discovery, in such suits or proceedings, any member or members of such company as the nominal defendant or defendants for or on behalf of such company or body of persons, subject to the payment by the plaintiffs of such costs as the Court in which such proceedings may be had shall in that behalf order or direct: Provided always, that nothing in this Act contained shall enable His Majesty to grant to any company or body of persons any privilege under this Act until after notice in the Gazette shall have been given three months that it is intended to grant such privilege or privileges.

And to the end that the issuing of such letters patent, and the name or names of the principal officer or officers for the time being of the several associations thereby constituted, may be made known to the public:—

It is Enacted,

II. That an entry of the grant of such letters patent, and of the name or names of the principal officer or officers therein designated, or who may from time to time be appointed by virtue of the powers for that purpose contained in such letters patent, shall be made in a book to be kept for that purpose in the office of the Clerk of the Patents, and that the same shall be open for inspection at all reasonable times, by any person requiring the same, on payment of a fee of 1s. only; and further, that a sufficient notice or memorandum of such letters patent, together with the name or names of such principal officer or officers, be advertised in the *London Gazette* within one calendar month from the date of such letters patent, and also in some one newspaper published or circulating in the county or place where the meetings of any such association shall be usually held; and also, that upon the death, or change from any other cause whatever, of any such principal officer or officers, notice thereof, and of the name or names of the person or persons succeeding him or them, shall in like manner be recorded in the office of the Clerk of the Patents, and advertised in the *London Gazette* and in some one newspaper as aforesaid; and the officer or officers so from time to time recorded and advertised shall, for all intents and purposes, be held and considered as the party or parties entitled to sue and to be sued on behalf of his or their respective associations, within the meaning of this Act, and of any patent or patents to be from time to time granted by virtue thereof.

III. That any decree, judgment, order, or interlocutor made or pronounced in any such action, suit, or proceeding in any court of law or equity against any officer of any such company, body, or association named as aforesaid, shall have the like effect and operation upon and against the property, funds, and effects of such company, body, or association, and upon and against the persons and property of any and every member thereof, as if such company, body, or association, and such member or members thereof, had been a party or parties to such action, suit, or proceeding, and as if such decree, judgment, order, or interlocutor had been pronounced against such company, body, or association, or against every or any such member or members thereof; provided that no diligence or execution shall pass or be issued thereon without leave first granted in open court by the Court in which such decree, judgment, order, or interlocutor was made or pronounced, and which motion shall be made on notice to the person or persons sought to be charged, nor after the expiration of three years next after such person or persons shall have ceased to be a member of such company, body, or association.

IV. That the principal officer or officers for the time being of such company or body of persons to whom such letters patent shall be granted shall, in the first week of the month of June and in the first week of the month of December in each year during the continuance of such letters patent, cause a true list of the names of all the then existing members of such company or body of persons, with their respective places of abode and description, to be filed with the Clerk of the Patents, and that the same shall be open for inspection at all reasonable times by any person requiring the same.

V. That nothing in this Act contained shall authorize or be construed to authorize the grant to any company or body of persons of any privilege in derogation of any exclusive privileges now enjoyed by any company or corporation under any Act or Acts of Parliament.

CAP. XCV.

AN ACT to empower His Majesty to erect *South Australia* into a *British Province* or *Provinces*, and to provide for the Colonization and Government thereof.

(15th August 1834.)

By this Act,

After reciting that that part of Australia which lies between the meridians of the 132nd and 141st degrees of east longitude, and between the Southern Ocean and 26 degrees of south latitude, together with the islands adjacent thereto, consists of waste and unoccupied lands which are supposed to be fit for the purposes of colonization : And that divers of His Majesty's subjects possessing amongst them considerable property are desirous to embark for the said part of Australia : And that it is highly expedient that His Majesty's said subjects should be enabled to carry their said laudable purpose into effect : And that the said persons are desirous that in the said intended colony an uniform system in the mode of disposing of waste lands should be permanently established :—

It is Enacted,

I. That it shall and may be lawful for His Majesty, with the advice of his Privy Council, to erect within that part of Australia which lies between the meridians of the 132nd and 141st degrees of east longitude, and between the Southern Ocean and the 26 degrees of south latitude, together with all and every the islands adjacent thereto, and the bays and gulfs thereof, with the advice of his Privy Council, to establish one or more provinces and to fix the respective boundaries of such provinces ; and that all and every person who shall at any time hereafter inhabit or reside within His Majesty's said province or provinces shall be free, and shall not be subject to or bound by any laws, orders, statutes, or constitutions which have been heretofore made, or which hereafter shall be made, ordered, or enacted by, for, or as the laws, orders, statutes, or constitutions of any other part of Australia, but shall be subject to and bound to obey such laws, orders, statutes and constitutions as shall from time to time, in the manner hereinafter directed, be made, ordered, and enacted for the government of His Majesty's province or provinces of South Australia.

II. That it shall and may be lawful for His Majesty, his heirs and successors, by any order or orders to be by him or them made with the advice of his or their Privy Council, to make, ordain, and, subject to such conditions and restrictions as to him and them shall seem meet, to authorize and empower any one or more persons resident and being within any one of the said provinces to make, ordain, and establish all such laws, institutions, or ordinances, and to constitute such courts, and appoint such officers, and also such chaplains and clergymen of the established church of England or Scotland, and to impose and levy such rates, duties, and taxes, as may be necessary for the peace, order, and good government of His Majesty's subjects and others within the said province or provinces ; provided that all such orders, and all laws and ordinances so to be made as aforesaid, shall be laid before the King in council as soon as conveniently may be after the making and enacting thereof respectively, and that the same shall not in anywise be contrary or repugnant to any of the provisions of this Act.

III. That it shall be lawful for His Majesty, his heirs and successors, by warrant under the sign manual, to be countersigned by His Majesty's Principal Secretary of State for the Colonies, to appoint three or more fit persons to be Commissioners to carry certain parts of this Act, and the powers and authorities hereinafter contained, into execution, and also from time to time at pleasure to remove any of the Commissioners for the time being, and upon any and every vacancy in the said number of Commissioners, either by removal or by death or otherwise, to appoint some other fit persons to the said office ; and until such appointment, it shall be lawful for the surviving or continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

IV. That the said Commissioners shall be styled 'The Colonization Commissioners for South Australia' ; and the said Commissioners or any two of them may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying certain parts of this Act into execution.

V. That the said Commissioners shall cause to be made a seal of the said Board, and shall cause to be sealed or stamped therewith all rules, orders, and regulations made by the said Commissioners in pursuance of this Act ; and all such rules, orders, and regulations, or copies thereof, purporting to be sealed or stamped with the seal of the said Board, shall be received as evidence of the same respectively without any further proof thereof ; and no such rule, order, or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

VI. That the said Commissioners shall and they are hereby empowered to declare all the lands of the said province or provinces (excepting only portions which may be reserved for roads and footpaths) to be public lands, open to purchase by British subjects, and to make such orders and regulations for the surveying and sale of such public lands at such price as the said Commissioners may from time to time deem expedient, and for the letting of the common of pasturage of unsold portions thereof as to the said Commissioners may seem meet, for any period not exceeding three years, and from time to time to alter and revoke such orders and regulations, and to employ the monies from time to time received as the purchase-money of such lands, or as rent of the common of pasturage of unsold portions thereof, in conducting the emigration of poor persons from Great Britain or Ireland to the said province or provinces : Provided always, that no part of the said public lands shall be sold except in public for ready money, and either by auction or otherwise as may seem best to the said Commissioners, but in no case and at no time for a lower price than the sum of 12s. sterling per English acre : Provided also, that the sum per acre which the said Commissioners may declare during any period to be the upset or selling price at which public lands shall be sold shall be an uniform price ; (that is to say,) the same price per acre whatever the quantity or situation of the land put up for sale : Provided also, that the whole of the funds from time to time received as the purchase-money of the said lands, or as the rent of the common of pasturage of unsold portions thereof, shall constitute an Emigration Fund, and shall, without any deduction whatsoever, except in the case hereinafter provided for, be employed in conveying poor emigrants from Great

Britain or Ireland to the said province or provinces: Provided also, that the poor persons who shall by means of the said Emigration Fund be conveyed to the said province or provinces shall, as far as possible, be adult persons of the two sexes in equal proportions, and not exceeding the age of thirty years.

VII. That no poor person having a husband or wife (as the case may be), or a child or children, shall, by means of the said Emigration Fund, obtain a passage to the said province or provinces, unless the husband or wife (as the case may be), or the child or children of such poor person, shall also be conveyed to the said province or provinces.

VIII. That it shall be lawful for His Majesty, his heirs and successors, by warrant under the sign manual, to be countersigned by His Majesty's Principal Secretary of State for the Colonies, to appoint a Commissioner of Public Lands to be resident in the said colony, and to act under the orders of the said Board of Commissioners as hereinafter directed.

IX. That the said Commissioners shall and they are hereby empowered to appoint such person or persons as they may think fit treasurer, assistant-surveyors, and other officers, for carrying this Act into execution respecting the disposal of the said public lands and the purchase-money thereof, and to remove such treasurer or assistant-surveyors or other officers at their discretion, and on every or any vacancy in the said office of treasurer, assistant-surveyor, or other officer, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office.

X. That it shall and may be lawful for the said Commissioners to delegate to the said Colonial Commissioner, assistant-surveyor, or other officer, or to any of them, such of the powers and authorities with respect to the disposal of the public lands of the said province or provinces as the said Commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods and under such circumstances, and subject to such regulations, as the said Commissioners shall direct; and the said Commissioners may at any time revoke, recall, alter, or vary all or any of the powers and authorities which shall be so delegated as aforesaid.

XI. That all monies under the controul of the said Board of Commissioners shall be received and paid by the treasurers who may be appointed by the said Board, and who shall give security for the faithful discharge of their duties to such amount and in such manner as to the said Commissioners may seem fit.

XII. That all accounts of the said treasurer shall be submitted to the Lords of His Majesty's Treasury, and be audited in the same manner as other public accounts.

XIII. That the said Commissioners may and they are hereby empowered from time to time to appoint a secretary, treasurer, and all such clerks, messengers, and officers as they shall think fit, and from time to time, at the discretion of the said Commissioners, to remove such secretary, treasurer, clerks, messengers, and officers, or any of them, and to appoint others in their stead.

XIV. That every Commissioner and Colonial Commissioner to be appointed from time to time shall, before he shall enter upon the execution of his office, take the following oath before one of the Judges of His Majesty's Court of Common Pleas, or one of the Barons of the Court of Exchequer, or (in the case of such Colonial Commissioners) before the Judge of one of His Majesty's Courts in the said province or provinces; (that is to say,)

'I A. B. do swear, That I shall faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and fulfil all the Powers and Duties of a Commissioner [or Colonial Commissioner, as the Case may be] under an Act passed in the Fifth Year of the Reign of King William the Fourth, intituled [here set forth the Title of this Act].'

XV. That the salaries to be paid to all such persons as may be appointed to any office under this Act shall be fixed by the Lords of His Majesty's Treasury, and by them shall be revised from time to time as they may deem expedient.

XVI. That the said Commissioners shall, at least once in every year, and at such other times and in such form as His Majesty's Principal Secretary of State for the Colonies shall direct, submit to the said Secretary of State a full and particular report of their proceedings; and every such report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by the said Secretary of State, if Parliament be then sitting, or if Parliament be not sitting, then within six weeks after the next meeting thereof.

XVII. That it shall and may be lawful for the said Commissioners, previously and until the sale of public lands in the said province shall have produced a fund sufficient to defray the cost of conveying to the said province or provinces from time to time such a number of poor emigrants as may by the said Commissioners be thought desirable, from time to time to borrow and take up on bond or otherwise, payable by instalments or otherwise, at interest not exceeding 10*l. per centum per annum*, any sum or sums of money not exceeding 50,000*l.* for the sole purpose of defraying the costs of the passage of poor emigrants from Great Britain or Ireland to the said province or provinces, by granting and issuing to any person or persons willing to advance such monies bonds or obligatory writings under the hands and seals of the said Commissioners or of any two of them, which bonds or other obligatory writings shall be termed 'South Australia Public Lands Securities;' and all such sum or sums of money not exceeding in the whole 50,000*l.* so borrowed or taken up by means of the bonds or writings obligatory aforesaid, for the sole purpose aforesaid, shall be borrowed on the credit of and be deemed a charge upon the whole of the fund to be received as the purchase-money of public lands, or as the rent of the common of pasturage of unsold portions thereof; and it shall and may be lawful for the said Commissioners from time to time to appropriate all or any part of the monies which may be obtained by the sale of public lands in the said province or provinces to the payment of interest on any such sum or sums borrowed and taken up as aforesaid, or to the repayment of such principal sum or sums.

XVIII. That for defraying the necessary costs, charges, and expenses of founding the said intended colony, and of providing for the government thereof, and for the expenses of the said Commissioners (excepting always the purpose whereunto the said Emigration Fund is made solely applicable by this Act), and for defraying all costs, charges, and expenses incurred in carrying this Act into execution, and applying for and obtaining this Act, it shall and may be lawful for the said Commissioners from

time to time to borrow and take up on bond or otherwise, payable by instalments or otherwise, at interest not exceeding 10*l.* per centum per annum, any sum or sums of money required for the purposes last aforesaid, not exceeding in the whole the sum of £200,000*l.*, by granting or issuing to any person or persons willing to advance such monies bonds or obligatory writings under the hands and seals of the said Commissioners or any two of them, which bonds or other obligatory writings shall be termed "South Australia Colonial Revenue Securities;" and all such sum or sums of money by the said Commissioners so borrowed and taken up as last aforesaid shall be and is and are hereby declared to be a charge upon the ordinary revenue or produce of all rates, duties, and taxes to be levied and collected as hereinbefore directed within the said province or provinces, and shall be deemed and taken to be a public debt owing by the said province to the holders of the bond or bonds or other writings obligatory by the said Commissioners granted for the purposes last aforesaid.

XIX. That it shall and may be lawful for the said Commissioners at any time to borrow or take up any sum or sums of money for any of the purposes of this Act at a lower rate of interest than any security or securities previously given by them under and by virtue of this Act which may then be in force shall bear, and therewith to pay off and discharge any existing security or securities bearing a higher rate of interest as aforesaid.

XX. That in case it should so happen that the said Commissioners shall be unable to raise by the issue of the said colonial revenue securities the whole of the said sum of £200,000*l.*, or that the ordinary revenue of the said province or provinces shall be insufficient to discharge the obligations of all or any of the said securities, then and in that case, but not otherwise, the public lands of the said province or provinces then remaining unsold, and the monies to be obtained by the sale thereof, shall be deemed a collateral security for payment of the principal and interest of the said colonial debt: Provided always, that no monies obtained by the sales of public lands in the said province or provinces shall be employed in defraying the principal or interest of the said colonial debt so long as any obligation created by the said South Australian Public Lands securities shall remain undischarged: Provided also, that in case, after the discharge of all obligations created by the said South Australian Public Lands securities, any part of the monies obtained by the sale of public lands in the said province or provinces shall be employed to discharge any of the obligations created by the said Colonial Revenue securities, then and in that case the amount of such deduction from the said Emigration Fund shall be deemed a colonial debt owing by the said province to the Colonization Commissioners for South Australia, and be charged upon the ordinary revenue of the said province or provinces.

XXI. That the Commissioners nominated and appointed by His Majesty as aforesaid may sue and be sued in the name or names of any one of such Commissioners, or of their secretary, clerk or clerks for the time being; and that no action or suit to be brought or commenced by or against any of the said Commissioners in the name or names of any one of such Commissioners, or their secretary or clerk, shall abate or be discontinued by the death or removal of such Commissioner, secretary, or clerk, or any of them, or by the act of such Commissioner, secretary, or clerk, or any of them, without the consent of the said Commissioners, but that any one of the said Commissioners, or the secretary or clerk for the time being to the said Commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in every such action or suit: Provided always, that nothing herein contained shall be deemed, construed, or taken to extend to make the Commissioners who shall sign, execute, or give any of the bonds or obligatory writings so hereby authorized or directed to be given personally, or their respective estates, lands, or tenements, goods and chattels, or such secretary or clerk, or their or either of their lands and tenements, goods and chattels, liable to the payment of any of the monies so borrowed and secured by reason of their giving any such bonds or securities as aforesaid, or of their being plaintiff or defendant in any such action as aforesaid; but that the costs, charges, and expenses of every such Commissioner, secretary, or clerk, by reason of having been made plaintiff or defendant, or for any contract, act, matter, or thing whatsoever made or entered into in the *bond fide* execution of this Act, from time to time be defrayed by the said Commissioners out of the money so borrowed and taken up as aforesaid.

XXII. That no person or persons convicted in any court of justice in Great Britain or Ireland, or elsewhere, shall at any time or under any circumstances be transported as a convict to any place within the limits hereinbefore described.

XXIII. That it shall and may be lawful for His Majesty, by and with the advice of his Privy Council, to frame, constitute, and establish a constitution or constitutions of local government for any of the said provinces possessing a population of 50,000 souls, in such manner, and with such provisions, limitations, and restrictions, as shall to His Majesty, by and with the advice of his Privy Council, be deemed meet and desirable: Provided always, that the mode hereinbefore directed of disposing of the public lands of the said province or provinces by sale only, and of the fund obtained by the sale thereof, shall not be liable to be in anywise altered or changed otherwise than by the authority of His Majesty and the consent of Parliament: Provided also, that in the said constitution of local government for the said province or provinces, provision shall be made for the satisfaction of the obligations of any of the said Colonial Revenue securities which may be unsatisfied at the time of framing such constitution of the said province or provinces.

XXIV. That for the purpose of providing a guarantee or security that no part of the expense of founding and governing the said intended colony shall fall on the mother country, the said Commissioners shall and are hereby empowered and required, out of the monies borrowed and taken up as aforesaid on the security of the said South Australian Colonial Revenue securities, to invest the sum of 20,000*l.* in the purchase of Exchequer bills or other government securities in England, in the names of trustees to be appointed by His Majesty; and the said trustees shall hold the said Exchequer bills, or other government securities so long as may seem fit to His Majesty's Principal Secretary of State for the Colonies; or shall, in case it shall seem fit to His Majesty's Principal Secretary of State for the Colonies, dispose of the same for any of the purposes to which the monies raised by the issue of the said South Australian Colonial Revenue securities are hereby made applicable: Provided always, that if the said Secretary of State should dispose of any part of the said 20,000*l.*, a sum or sums equal to the sum or sums so disposed of shall be invested in the names of the said trustees by the said Commissioners, so that the said guarantee or security fund of 20,000*l.* shall not at any time be reduced below that amount: Provided always, that the interest and dividends accruing from time to time upon the said Exchequer bills, or other government securities, shall be paid to the said Commissioners, and by them be devoted to the purposes to which, as hereinbefore directed, the monies to be raised by the issue of the aforesaid South Australian Colonial Revenue bonds are made applicable.

xxv. That if after the expiration of ten years from the passing of this Act the population of the said province or provinces shall be less than 20,000 natural born subjects, then and in that case all the public lands of the said province or provinces which shall then be unsold shall be liable to be disposed of by His Majesty, his heirs and successors, in such manner as to him or them shall seem meet: Provided always, that in case any of the obligations created by the said South Australian Public Lands securities should then be unsatisfied the amount of such obligations shall be deemed a charge upon the said unsold public lands, and shall be paid to the holders of such securities out of any monies that may be obtained by the sale of the said lands.

xxvi. That until the said Commissioners shall, by the granting and issuing of bonds and writings obligatory as aforesaid, that is to say, "South Australian Colonial Revenue Securities," have raised the sum of 20,000*l.*, and have invested the same in the purchase of Exchequer bills, or other government securities, as hereinbefore directed, and until the persons intending to settle in the said province or provinces and others shall have invested, (either by payment to the said Commissioners, or in the names of trustees to be appointed by them,) for the purchase of public lands in the said province or provinces, the sum of 35,000*l.*, none of the powers and authorities hereby given to His Majesty, or to the said Commissioners, or to any person or persons, except as respects the exercise by the said Commissioners of such powers as are required for raising money by means of and on the security of the bonds or securities last aforesaid, and for receiving and investing the aforesaid sum of 35,000*l.* for the purchase of public lands, shall be of any effect, or have any operation whatsoever.

CAP. XCVI.

AN ACT to enable the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex* to make a new Sewer at *Bayswater* in the County of *Middlesex*.

(15th August 1834.)

Section I. empowers Commissioners of Sewers to make a wear or tumbling bay of the height of two feet across the Bayswater or Westbourn Brook, near the spot where it crosses the road at Bayswater, and a tunnel drain or sewer from such tumbling bay along the Uxbridge Road to the sewer nearly opposite the end of Albion Street, which passes through Hyde Park, and communicates with the Ranelagh sewer; such tunnel sewer to be six feet high and four feet six inches wide.

Sec. II. empowers the Commissioners of Sewers to enter upon any part of the said road, and to cause all necessary works to be constructed in any part thereof.

Sec. III. reserves to the Commissioners of Sewers the same powers as they possessed before the passing of this Act.

Sec. IV. empowers the Commissioners to borrow on the credit of the rates to be made and levied, any sum or sums, not exceeding 3,500*l.* from the Exchequer Loan Commissioners.

Sec. V. enacts that the rate of interest to be paid be 4*l. per centum per annum*; and that the principal money advanced shall be repaid by twenty equal yearly instalments, the first to be paid at the expiration of twelve months from the time of advancing.

Sec. VI. empowers the Commissioners of Sewers to levy rates for the repayment of the sum or sums of money so to be borrowed, and the interest thereon.

Sec. VII. empowers the Commissioners of Sewers to assign the said rates.

Sec. VIII. enacts that the Commissioners of Woods and Forests may advance any sum not exceeding 3,500*l.* for defraying a moiety of the expenses incurred under this Act.

Sec. IX. provides that a distinct account be kept of the monies expended under this Act.

CAP. LXXVI.

AN ACT for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.

(14th August 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Appointment and removal of Commissioners.
2. Style of Commissioners;—who may sit as a Board, with power to summon and examine witnesses, and call for production of papers, on oath;—or to substitute a declaration for an oath;—but not to inquire into any title.
3. To have a common seal.—Rules, &c. purporting to be sealed with such seal to be received as evidence.
4. Commissioners to record their proceedings.
5. Commissioners to make a general report to the Secretary of State yearly;
6. And to report proceedings to Secretary of State where required.
7. Power to appoint Assistant Commissioners; and to remove same.—Not more than nine to be appointed, without consent of Treasury.
8. Commissioners not to sit in Parliament.
9. Commissioners to appoint Secretary, Assistant Secretary or Secretaries, Clerks, and other officers.
10. Appointment of Commissioners, &c. limited to five years.
11. Commissioners and Assistant Commissioners to take oath.—Form of oath.—Notification of appointment of Commissioners to be sent to Clerks of the Peace, and published.
12. Commissioners may delegate powers to Assistant Commissioners, and revoke them.—Assistant Commissioners may summon persons and examine them upon oath; or a declaration may be substituted for an oath.
13. Persons giving false evidence guilty of perjury;—refusing to attend, &c. guilty of misdemeanour.
14. Reasonable expenses of witnesses to be paid, and by whom.
15. Administration of relief to the poor to be under controul of the Commissioners; who are to make rules and regulations for the management of the poor, and administration of the laws for their relief, &c.—Commissioners may suspend or alter rules, &c.
16. General rules to be submitted to Secretary of State forty days before coming into operation.—If disallowed by King in Council during the forty days, not to come into operation.—If disallowed afterwards, operation to cease on notice given.
17. General rules to be laid before Parliament.
18. Rules, orders, &c. to be sent to overseers, &c. before they shall come into operation.—Publicity to be given to rules, &c. in manner directed by Commissioners.—Penalty on overseer, &c. neglecting to give publicity, &c.—Disallowance of rule to be notified in like manner.
19. No inmate of a workhouse obliged to attend any religious service contrary to his religious principles, &c.
20. Orders or regulations of Assistant Commissioners to be approved and sealed by Commissioners.
21. Powers of 22 Geo. 3. c. 83, 59 Geo. 3. c. 12, and of all other Acts relating to workhouses, and to borrowing money, to be exercised under controul of Commissioners, and be subject to their orders.—Commissioners, &c. to be entitled to attend local boards and vestry; but not to order the building or hiring of workhouses, except under limitations.
22. No additions or alterations to be made to the rules contained in the schedule to 22 Geo. 3. c. 83. or in any other Act until confirmed by Commissioners.
23. Commissioners empowered to order workhouses to be built, hired, altered, or enlarged, with consent, &c.
24. Sums to be raised for purposes of building workhouses to be charged on poor rates; not to exceed one year's amount of poor rates.
25. Power to order workhouses to be altered or enlarged, without consent, &c.—Sums to be raised for such purposes not to exceed one tenth of one year's rates, or 50l.
26. Parishes may be united by Commissioners.—Each parish chargeable for its own poor.
27. Justices may order outdoor relief to aged and infirm persons wholly unable to work.
28. When a union of parishes shall be proposed, Commissioners to inquire the expense of poor belonging to each parish for three years preceding.—Power for taking future averages.
29. The like provision in unions effected under local acts of incorporation. 22 Geo. 3. c. 83.—Power for taking future averages.
30. Parliamentary returns to be evidence of actual expense of poor to each parish.
31. Repeal of 22 Geo. 3. c. 83. s. 5, and 56 Geo. 3. c. 129. part of s. 1. restraining parishes from contributing to workhouse at a greater distance than ten miles; and of 22 Geo. 3. c. 83. s. 29. limiting class of persons to be sent to workhouses.
32. Power to dissolve, add to, or take from any union;—and thereupon to make such rules as may be adapted to its altered state.—Rights and interests of parishes, and claims on them, to be ascertained and secured.—Dissolution or alteration not to affect rights of third parties, nor take place without the consent of guardians of parish.
33. United parishes may be one parish for purposes of settlement.
34. Union may be one parish for purpose of rating, with consent of guardians.—Agreement or counterpart for such rating to be deposited with Clerk of the Peace.
35. Guardians to ascertain and assess value of property.—Rates grounded on such assessment to be allowed as poor rates.
36. In such cases all expenditure for the poor to be in common.—Expense of valuation.—Proviso for consent of parishes not represented by guardian.
37. No union to be so formed without consent of Commissioners.

38. Constitution and election of Board of Guardians for unions.—No guardian to have power except at a local board, unless otherwise directed by the Commissioners.—Guardians may be re-elected.
39. The like for single parishes.
40. At elections of guardians votes to be taken in writing, and owners as well as occupiers to vote.—58 Geo. 3. c. 69.—Scale of voting. Votes may be given by proxy.—No rate-payer to vote unless rated one year.
41. Elections of guardians, visitors, and other officers under the Act 22 Geo. 3. c. 83. or any local act to be made according to the provisions of this Act.
42. Commissioners may make rules, &c. for present or future workhouses, and vary bye-laws already in force or to be made hereafter.—Rules, &c. affecting more than one union to be deemed general rules.
43. Justices empowered to see bye-laws enforced, and to visit workhouses, pursuant to 30 Geo. 3. c. 49.—The power given to Justice, &c. to visit workhouses reserved where Commissioners' rules, &c. are not in force.
44. Buildings taken for workhouses to be within the jurisdiction of the place to which they belong, though situated without.
45. No lunatic, insane person, or dangerous idiot, to be detained in a workhouse more than fourteen days.
46. Commissioners may direct overseers and guardians to appoint paid officers for parishes or unions;—and fix their duties, and the mode of appointment and dismissal, and the security;—and regulate their salaries.
47. Overseers, &c. to pass accounts quarterly.—Recovery of balances.—Surety not to be discharged.
48. Masters of workhouses and parish officers to be under order of Board, and removeable by them.
49. Contracts not to be valid unless conformable to the rules of Commissioners.
50. Repeal of 45 Geo. 3. c. 54. as to contracts.
51. The penalty imposed by 55 Geo. 3. c. 137. on persons having the management of the poor being concerned in any contract extended to persons appointed under this Act.
52. Commissioners to regulate the relief to able-bodied paupers and their families.—Relief contrary to their regulations to be disallowed:—But overseers may delay the operation of such regulations under special circumstances, and make report thereof to Commissioners.—If Commissioners disapprove of delay, they may fix a day from which all such relief shall be disallowed.—Cases of emergency.
53. Repeal of 36 Geo. 3. c. 23, 55 Geo. 3. c. 137. s. 3. & 4, and 59 Geo. 3. c. 12. s. 2. & 5.
54. No relief to be in future given, except by Board of Guardians, &c.—1 & 2 Will. 4. c. 80.—Any Justice may give order for medical relief in dangerous illness.
55. Masters of workhouses and overseers to keep registers.
56. Poor persons liable for relief to wife or children.—43 Eliz. c. 2.
57. Husband liable to maintain children of wife born before marriage.
58. Such relief as Commissioners may direct to be considered as loan.
59. Power to Justices to attach wages in hands of master or employer.—Mode of proceeding against masters for recovery thereof.
60. Repeal of so much of 43 Geo. 3. c. 47. as requires relief to be given to wives and families of substitutes, hired men, or volunteers of militia.
61. Justices to certify that rules of Commissioners have been complied with in binding poor children apprentices.—Justices' power reserved as between master and apprentice.
62. Power to owners and rate-payers to raise money on security of rates for purposes of emigration.
63. Overseers may apply to Commissioners of Exchequer Bills under Act 57 Geo. 3. c. 34. for advance of money.
64. Repeal of settlement by hiring and service.
65. No settlement incomplete under hiring and service to be completed.
66. No settlement acquired without paying poor rate;
67. Nor by being apprenticed in the sea service;
68. Nor by possession longer than the person shall inhabit within ten miles thereof.
69. Repeal of Acts relating to liability and punishment of putative father, and punishment of mother of illegitimate children.
70. Securities and recognizances for indemnity of parishes against children likely to be born bastards to be null and void.—Persons in custody for not giving indemnity to be discharged.
71. Mother of illegitimate children bound to maintain the same.
72. Court of Quarter Sessions, on application to overseers, &c. may make an order on putative father of child for its support.—Monies paid not applicable to support of mother.
73. No application to be heard without fourteen days previous notice.—If application be heard, costs may be calculated from birth of bastard child, if within six months.
74. In the event of party charged not appearing, Court may nevertheless enter into the case.
75. Party summoned, if suspected of intending to abscond, may be required to enter into a recognizance for his appearance.
76. When payments get into arrear, putative father may be proceeded against by distress or attachment of wages.
77. No person employed in administration of poor laws to furnish, for his own profit, goods or provisions given in parochial relief.
78. Sums payable under 43 Eliz. c. 2. s. 7. by relations of poor persons, how recoverable.
79. No person to be removed till after notice of his being chargeable has been sent to the parish to which order of removal is directed.—Such person may be removed if order submitted to; but not in case of appeal.
80. In case of appeal the overseer to have access to such poor person touching his settlement.
81. Grounds of appeal to be stated in notice.
82. Parish losing appeal to pay such costs as Court may direct.
83. Party making frivolous or vexatious statement to pay costs.
84. Costs of relief to be paid by parish to which poor persons belong.—Relief under suspended order not to be recoverable unless notice sent of such order.
85. Power to call for and publish accounts of trust and charity estates.
86. Advertisements, &c. not liable to stamp duty.
87. Bonds and securities made pursuant to 22 Geo. 3. c. 83, and assignments thereof, exempted from stamp duty.
88. Letters to and from Board of Commissioners to be free of postage, if sent conformable hereto.—Letters sent under cover not relating solely to the business of the Act to be transmitted to Post Office to be charged.
89. Payments contrary to this Act to be disallowed.
90. Service of summons.
91. Repeal of so much of 6 Geo. 4. c. 80, as relates to prohibition of spirituous liquors in workhouses.

92. *Penalty on persons introducing spirituous liquors into workhouses.*
93. *Penalty on masters of workhouses allowing use of spirituous liquors, or ill-treating poor persons, or misconducting himself.—Power for Justices to order salaries, &c. to be stopped, and applied towards payment of penalties.*
94. *Masters to hang up copies of two preceding clauses in workhouse.*
95. *Penalties on overseers and other officers disobeying guardians.*
96. *No overseer to be prosecuted for not executing illegal orders of Justices.*
97. *Penalty on overseers, &c. purloining, &c. goods, &c. 20l. and treble the value of goods purloined.*
98. *Penalty on persons wilfully disobeying rules, orders, and regulations.*
99. *Forfeitures, costs, and charges may be levied by distress and sale.—In what manner to be applied.*
100. *Owners, rate-payers, &c. may be competent witnesses.*
101. *Justices may proceed by summons for the recovery of penalties.*
102. *Satisfaction recoverable for special damage, but distress not unlawful for want of form in the proceedings.—Plaintiff not to recover for irregularity, if tender of amends be made.*
103. *Appeal to the Quarter Sessions against order of Justices within four calendar months after cause of complaint, &c.—Fourteen days notice in writing to be given, &c. and recognizance to be entered into.*
104. *Limitation of actions.—Defendant may plead the general issue.—Costs.*
105. *Rules, &c. to be removable by certiorari to Court of King's Bench.—Rules, &c. so removed to continue in force until declared illegal.*
106. *Notice to be given to Commissioners of application for writ of certiorari, &c.—Commissioners may shew cause.*
107. *Recognizances to be entered into.—If rule be declared legal, Commissioners to be entitled to costs.*
108. *If rules are quashed, the same to be notified to parishes to which such rules have been directed.—Proviso for existing contracts.—No person to be answerable until receipt of notice.*
109. *Interpretation clause.—22 Geo. 3. c. 83.*
110. *Act may be amended this session.*

By this Act,

After reciting that it is expedient to alter and amend the laws relating to the relief of poor persons in England and Wales:

It is Enacted,

I. That it shall be lawful for His Majesty, his heirs and successors, by warrant under the Royal Sign Manual, to appoint three fit persons to be Commissioners to carry this Act into execution, and also from time to time, at pleasure, to remove any of the Commissioners for the time being, and upon every or any vacancy in the said number of Commissioners, either by removal or by death or otherwise, to appoint some other fit person to the said office; and until such appointment it shall be lawful for the surviving or continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

II. That the said Commissioners shall be styled "The Poor Law Commissioners for England and Wales;" and the said Commissioners, or any two of them, may sit, from time to time as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners acting as such Board shall be and are hereby empowered, by summons under their hands and seal, to require the attendance of all such persons as they may think fit to call before them upon any question or matter connected with or relating to the administration of the laws for the relief of the poor, and also to make any inquiries and require any answer or returns as to any such question or matter, and also to administer oaths, and examine all such persons upon oath, and to require and enforce the production upon oath of books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter; or, in lieu of requiring such oath as aforesaid, the said Commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined: Provided always, that no such person shall be required, in obedience to any such summons, to go or travel more than ten miles from the place of his abode: Provided also, that nothing herein contained shall extend or be deemed to extend to authorize or empower the said Commissioners to act as a court of record, or to require the production of the title, or of any papers or writings relating to the title of any lands, tenements, or hereditaments not being the property of any parish or union.

III. That the said Commissioners shall cause to be made a seal of the said Board, and shall cause to be sealed or stamped therewith all rules, orders, and regulations made by the said Commissioners in pursuance of this Act; and all such rules, orders, and regulations, or copies thereof, purporting to be sealed or stamped with the seal of the said Board, shall be received as evidence of the same respectively, without any further proof thereof; and no such rule, order, or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

IV. That the said Commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every letter received, from whence, its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said Commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the Board of Commissioners, in case they should finally differ in opinion upon any order to be given or other proceeding of the Board; and such record shall be submitted to one of His Majesty's Principal Secretaries of State once in every year, or as often as he shall require the same.

V. That the said Commissioners shall, once in every year, submit to one of the Principal Secretaries of State a general report of their proceedings; and every such general report shall be laid before both houses of Parliament within six weeks after the receipt of the same by such Principal Secretary of State, if Parliament be then sitting, or if Parliament be not sitting then within six weeks after the next meeting thereof.

VI. That the said Commissioners shall from time to time, at such times as any one of His Majesty's Principal Secretaries of State shall direct, give to the Principal Secretary of State requiring the same such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require.

VII. That the said Commissioners shall and they are hereby empowered from time to time to appoint such persons as they may think fit to be Assistant Commissioners for carrying this Act into execution, at such places and in such manner as the said Commissioners may direct, and to remove such Assistant Commissioners, or any of them, at their discretion, and on every or any vacancy in the said office of Assistant Commissioner, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office: Provided always, that it shall not be lawful for the said Commissioners to appoint more than nine such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, shall consent to the appointment of a greater number.

VIII. That no Commissioner or Assistant Commissioner appointed as aforesaid shall during his continuance in such appointment be capable of being elected or sitting as a member of the House of Commons.

IX. That the said Commissioners may and they are hereby empowered from time to time to appoint a Secretary, Assistant Secretary or Secretaries, and all such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, to remove such Secretary, Assistant Secretary, or Secretaries, clerks, messengers, and officers, or any of them, and to appoint others in their stead: Provided always, that the amount of the salaries of such Secretary, Assistant Secretary or Secretaries, clerks, messengers, and officers shall from time to time be regulated by the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any three or more of them.

X. That no Commissioner to be appointed by His Majesty, nor any Assistant Commissioner, Secretary, or other officer or person to be appointed by the said Commissioners, under and by virtue of the provisions of this Act, shall continue to hold his respective office or exercise any of the powers given by this Act for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the then next session of Parliament; and from and after the expiration of the said period of five years, and of the then next session of Parliament, so much of this Act as enables His Majesty to appoint any Commissioner or Commissioners shall cease to operate or have any effect whatever.

XI. That every Commissioner and Assistant Commissioner to be appointed from time to time as aforesaid shall, before he shall enter upon the execution of his office, take the following oath before one of the Judges of His Majesty's Courts of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say,)

'I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and fulfil all the Powers and Duties of a Commissioner [or Assistant Commissioner, as the Case may be,] under an Act passed in the Fifth Year of the Reign of King William the Fourth, intituled [*here set forth the Title of this Act*].'

And the appointment of every such Commissioner and Assistant Commissioner, together with the time when and the Judge or Baron before whom he shall have taken the oath aforesaid, shall be forthwith published in the *London Gazette*; and a notification of such appointment and of the taking of such oath shall from time to time be sent, under the hands and seal of the said Commissioners, to the Clerk of the Peace of every county in England and Wales, who shall and is hereby required as soon as conveniently may be to cause the same to be advertized once in some newspaper published or circulated in such county; and such notification as aforesaid shall be kept and preserved by such Clerk of the Peace with the records of such county.

XII. That it shall be lawful for the said Commissioners to delegate to their Assistant Commissioners, or to any of them, such of the powers and authorities hereby given to the said Commissioners (except the powers to make general rules) as the said Commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods, and under such circumstances, and subject to such regulations as the said Commissioners shall direct; and the said Commissioners may at any time revoke, recall, alter, or vary all or any of the powers and authorities which shall be so delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and the said Assistant Commissioners may and are hereby empowered to summon before them such persons as they may think necessary for the purpose of being examined upon oath (which oath such Assistant Commissioners are hereby empowered to administer) upon any question or matter relating to the poor or their relief, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, and writings, or copies of the same, in anywise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments not being the property of any parish or union, as such Assistant Commissioners may think fit, but so that no such person shall be required, in obedience to any such summons, to go or travel more than ten miles from the place of his abode; provided nevertheless, that in lieu of requiring such oath as aforesaid the said Assistant Commissioners may, if they think fit, require such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined; and all summonses and orders made by any such Assistant Commissioner in pursuance or exercise of such delegated powers and authorities shall be obeyed, performed, and carried into effect by all persons as if such summons or order had been the summons or order of the said Commissioners, and the breach, non-observance, or nonperformance thereof shall be punishable in like manner.

XIII. That if any person, upon any examination under the authority of this Act, shall wilfully and corruptly give false evidence, he shall be deemed guilty of perjury, and if any person shall make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of perjury, and if any person shall wilfully refuse to attend in obedience to any summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be so required to be produced before the said Commissioners or Assistant Commissioners, every person so offending shall be deemed guilty of a misdemeanour.

XIV. That it shall be lawful for the said Commissioners, in any case where they see fit, to order and allow such expenses of witnesses, and of or attending the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said Commissioners or Assistant Commissioners, as such Commissioners may deem reasonable, to be paid as follows: that is to say, out of the poor rates of the respective parish or union which in the opinion of the said Commissioners shall be interested or concerned in such attendance or production respectively in all cases in which such witnesses shall not go or travel

more than ten miles from the respective parish or union which shall be interested or concerned as aforesaid, and in all other cases the expenses so ordered or allowed shall be deemed as part of the incidental expenses attending the execution of this Act, and be paid accordingly.

xv. That from and after the passing of this Act the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and controul of the said Commissioners; and for executing the powers given to them by this Act the said Commissioners shall and are hereby authorised and required, from time to time as they shall see occasion, to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses and the education of the children therein, and for the management of parish poor children under the provisions of an Act, 7 Geo. 3, intituled, 'An Act for the better Regulation of Parish poor Children of the several Parishes therein mentioned within the Bills of Mortality,' and the superintending, inspecting, and regulating of the houses wherein such poor children are kept and maintained, and for the apprenticing the children of poor persons, and for the guidance and controul of all guardians, vestries, and parish officers, so far as relates to the management or relief of the poor, and the keeping, examining, auditing, and allowing of accounts, and making and entering into contracts in all matters relating to such management or relief, or to any expenditure for the relief of the poor, and for carrying this Act into execution in all other respects, as they shall think proper; and the said Commissioners may, at their discretion, from time to time suspend, alter, or rescind such rules, orders, and regulations, or any of them: Provided always, that nothing in this Act contained shall be construed as enabling the said Commissioners or any of them to interfere in any individual case for the purpose of ordering relief.

xvi. That no general rule of the said Commissioners shall operate or take effect until the expiration of forty days after the same, or a copy thereof, shall have been sent, signed and sealed by the said Commissioners, to one of His Majesty's Principal Secretaries of State; and if at any time after any such general rule shall have been so sent to such Principal Secretary of State His Majesty, with the advice of his Privy Council, shall disallow the same or any part thereof, such general rule, or the part thereof so disallowed, shall not come into operation, if such disallowance be notified to the said Commissioners at any time during the said period of forty days, but if such disallowance be made at any time after that period, such disallowance shall, by one of His Majesty's Principal Secretaries of State, be notified to the said Commissioners, and from and after such disallowance shall have been so notified then such general rule, so far as the same shall have been so disallowed, shall cease to operate, subject however and without prejudice to all acts and transactions under or in virtue of the same previously to such disallowance having been so notified.

xvii. That all general rules for the time being in force at the commencement of every session of Parliament, and which shall not previously have been submitted to Parliament, shall from time to time, within one week after the commencement of every such session, be laid by one of His Majesty's Principal Secretaries of State before both Houses of Parliament.

xviii. That a written or printed copy of every rule, order, or regulation of the said Commissioners shall, before the same shall come into operation in any parish or union, be sent by the said Commissioners, by the post, or in such manner as the Commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union or their clerk, and to the clerk to the Justices of the Petty Sessions held for the division in which such parish or union shall be situate; and such overseers, guardians, or their clerk, and clerks to the Justices aforesaid, are hereby required to keep and preserve, notify and give publicity to, such rules, orders, and regulations, in such manner as the said Commissioners shall direct, and also to allow every owner of property or his agent, or any rate-payer, in every such parish or union, to inspect the same at all reasonable times, free of any charge for such inspection, and to furnish copies of the same, being paid for such copies at and after the rate of three-pence for every folio of seventy-two words, and to allow copies or extracts thereof to be taken on being paid for no doing after the rate of three half-pence for every folio of seventy-two words; and in case any such overseer, guardian, clerk, or clerk to the Justices, to whom such rules, orders, or regulations, or copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give publicity to the same in the mode prescribed or directed by the said Commissioners, or shall refuse such inspection, or to furnish or allow such copies thereof to be taken as aforesaid, every person so offending shall for every such offence be subject and liable to a penalty not exceeding the sum of 10*l*. nor less than 40*s*., to be recoverable in the same manner as any penalties are by this Act directed to be recovered: Provided also, that if any such rule shall after the same shall have come into operation be disallowed in manner hereinbefore mentioned, or revoked by the said Commissioners, then and in every such case the said Commissioners shall send, by the post, or in such manner as they shall think fit, to every parish or union affected by the said rule, notice of such disallowance or revocation; such notice of disallowance or revocation to be addressed, kept, preserved, notified, and publicly inspected, and copies thereof furnished or allowed to be taken, in such and the same manner and subject to the same penalties as are hereinbefore mentioned respecting the rules, orders, and regulations of the said Commissioners.

xix. That no rules, orders, or regulations of the said Commissioners, nor any bye-laws at present in force or to be hereafter made, shall oblige any inmate of any workhouse to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in such workhouse in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or parent shall object, or, in the case of an orphan, to which the godfather or godmother of such orphan shall so object: Provided also, that it shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion.

xx. That no order or regulation made by any Assistant Commissioner shall be in force unless and until the same shall have been adopted by the said Commissioners, and sealed or stamped with their seal, and thereupon every such order or regulation shall be considered as made by the said Commissioners; and that no rule, order, or regulation of the said Commissioners, except orders made in answer to the statements and reports hereinafter authorised to be made by overseers or guardians to the said Commissioners, shall be in force until the expiration of fourteen days after a written or printed copy of the same shall have been sent by the said Commissioners, sealed or stamped, and addressed as lastly hereinbefore is mentioned.

XXI. That, except where otherwise provided by this Act, all the powers and authorities given in and by a certain Act of Parliament passed 23 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' and in and by a certain other Act passed 59 Geo. 3. c. 12, intituled, 'An Act to amend the Laws for the Relief of the Poor,' and all Acts for amending such Acts respectively, and also all the powers and authorities given by every other Act of Parliament, general as well as local, for or relating to the building, altering, or enlarging of poorhouses and workhouses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of land whereon the same may have been or may hereafter be erected, and of preparing such houses for the reception of poor persons, and the dieting, clothing, employing, and governing of such poor, and the raising or borrowing of money for any of the purposes aforesaid, and for repaying the same, and all powers of regulating and conducting all other workhouses whatsoever, and of governing, providing for, and employing the poor therein, and all powers auxiliary to any of the powers aforesaid, or in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the controul, and subject to the rules, orders, and regulations of the said Commissioners; and the said Commissioners and Assistant Commissioners respectively, and every of them, shall be entitled to attend at every parochial and other local board and vestry, and take part in the discussions, but not to vote at such board or vestry: Provided always, that nothing herein contained shall be construed to give the said Commissioners or Assistant Commissioners any power to order the building, purchasing, hiring, altering, or enlarging of any workhouse, or the purchasing or hiring of any land at the charge or for the use of any parish or union, save and except so far as such powers are expressly given by this Act.

And after reciting that by the said Act made and passed 22 Geo. 3. c. 83, it is (among other things) enacted, that the rules, orders, and regulations specified and contained in the Schedule thereunto annexed should be duly observed and enforced at every poorhouse or workhouse to be provided by virtue of the said Act, with such additions as should be made by the Justices of the Peace of the limit wherein such house or houses should be situate, at some special session, provided that such additions should not be contradictory to the rules, orders, and regulations established by that Act, and provided that the same should not be repealed by the Justices at their Quarter Sessions of the Peace; and it is expedient that such additions, or other rules, orders, or regulations, under that or any local or other Act, should not in future be made without the sanction of the said Commissioners:—

It is Enacted,

XXII. That no additions or alterations shall hereafter be made to or in the rules, orders, and regulations contained in the Schedule to the said recited Act, and no rules, orders, and regulations shall hereafter be made under the authority of the said recited Act, or of any Act made for altering, amending, or extending the same, or any local or other Act, relating to poorhouses, workhouses, or the relief of the poor, until the same shall have been submitted to and approved and confirmed by the said Commissioners; and that the same, when so confirmed, shall be legally valid and binding upon all persons; and no Justice or Justices shall have power to repeal the same.

XXIII. That it shall be lawful for the said Commissioners, and they are hereby empowered, from time to time when they may see fit, by any writing under their hands and seal, by and with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in manner hereinafter prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this Act, to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses; and, with the like consent, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any buildings capable of being converted into a workhouse or workhouses, to enlarge or alter the same in such manner as the said Commissioners shall deem most proper for carrying the provisions of this Act into execution, or to build, hire, or purchase any additional workhouse or workhouses, or any building or buildings, for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such additional workhouse or workhouses thereon, of such size and description, and according to such plan, and in such manner as the said Commissioners shall deem most proper for carrying the provisions of this Act into execution; and the overseers and guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other Act or Acts.

XXIV. That for the better and more effectually securing the repayment of any sum or sums of money which may be borrowed for the purposes aforesaid, with interest, it shall be lawful for the said overseers or guardians to charge the future poor rates of such parish or union with the amount of such sum or sums of money: Provided always, that the principal sum or sums to be raised for such purposes, whether raised within the year or borrowed, shall in no case exceed the average annual amount of the rates raised for the relief of the poor in such parish or union for three years ending at the Easter next preceding the raising of such money; and that any loan or money borrowed for any of the purposes aforesaid shall be repaid by annual instalments of not less than one tenth of the sum borrowed, with interest on the same, in any one year.

XXV. That it shall be lawful for the said Commissioners, and they are hereby empowered, without requiring any such consent as aforesaid, by any writing under the hands and seal of the said Commissioners, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any building capable of being converted into a workhouse or workhouses, to enlarge or alter the same, according to such plan and in such manner as the said Commissioners shall deem most proper for carrying the provisions of this Act into execution; and the overseers or guardians to whom any such order shall be directed are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for altering, enlarging, and maintaining workhouses for the use of the

poor in their respective parishes or unions: Provided always, that the principal sum or sums to be raised for such purposes, and charged upon any parish, shall not exceed in the whole the sum of 50*l.*, nor in any such case exceed one tenth of the average annual amount of the rates raised for the relief of the poor in such parish for the three years ending at the Easter next preceding the raising of such money.

xxvi. That it shall be lawful for the said Commissioners, by order under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed a union for such purpose, and thereupon the workhouse or workhouses of such parishes shall be for their common use; and the said Commissioners may issue such rules, orders, and regulations as they shall deem expedient for the classification of such of the poor of such united parishes in such workhouse or workhouses as may be relieved in any such workhouse, and such poor may be received, maintained, and employed in any such workhouse or workhouses as if the same belonged exclusively to the parish to which such poor shall be chargeable; but, notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such workhouse.

xxvii. That in any union which may be formed under this Act it shall be lawful for any two of His Majesty's Justices of the Peace usually acting for the district wherein such union may be situated, at their just and proper discretion, to direct by order under their hands and seals, that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse: Provided always, that one of such Justices shall certify in such order of his own knowledge, that such person is wholly unable to work, as aforesaid; and provided further, that such person shall be lawfully entitled to relief in such union, and shall desire to receive the same out of a workhouse.

xxviii. That when any union of parishes for the administration of the laws for the relief of the poor shall be proposed to be made or shall be made under the provisions of this Act, it shall be lawful for the said Commissioners, and they are hereby required, from time to time, by such means and in such manner as they may think fit, to inquire into and ascertain the expense incurred by each parish proposed to form part of such union for the relief of the poor belonging to such parish, whether such relief shall have been given in or out of any workhouse, for the three years ending on the 25th of March next preceding such inquiry, and thereupon the said Commissioners shall proceed to calculate and ascertain the annual average expense of each parish for that period; and the several parishes included or proposed to be included in such union shall from the time of effecting the same contribute and be assessed to a common fund for purchasing, building, hiring, or providing, altering or enlarging any workhouse or other place for the reception and relief of the poor of such parishes, or for the purchase or renting of any lands or tenements, under and by virtue of the provisions of this Act, of or for such union, and for the future upholding and maintaining of such workhouses or places aforesaid, and the payment or allowance of the officers of such union, and the providing of utensils and materials for setting the poor on work therein, and for any other expense to be incurred for the common use or benefit or on the common account of such parishes, in the like proportions as on the said annual average of the said three years such relief had cost each such parish separately, until such average shall be varied or altered as hereinafter provided: Provided always, and the said Commissioners are hereby authorized, if they shall so think fit, but not otherwise, from time to time, either upon the application of the guardians of such union or of the overseers of any parish forming part of the same, or without such application, to cause a like inquiry and calculation to be made and average ascertained for the three years ending on the 25th of March next preceding such inquiry; and from and after the ascertaining of any such average, or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes aforesaid, in the proportions which the expense of such parishes shall be found to have borne to each other during such period upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes.

And after reciting that in divers unions formed under the said recited Act passed 22 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' or under local Acts of incorporation, the whole of the expense, as well of upholding the united workhouses therein as of maintaining and relieving the poor of the respective parishes of such unions, is assessed upon such parishes in the respective proportions fixed at the period when such unions were formed, and in others a part of such expenses is so levied, and a part subjected to variations at stated periods: and that some of the parishes of such unions have contributed and still continue to contribute as their fixed proportion of the general fund, a sum much larger and others a sum much less than the actual expense incurred for the relief of the poor belonging to them respectively:—

It is Enacted,

xxix. That it shall be lawful for the said Commissioners, as soon as conveniently may be after the passing of this Act, to cause an inquiry to be made and an account rendered, as far as it may be practicable to render the same, by the visitors, directors, acting guardians, or other officers of such parishes or unions respectively, of the expense incurred for the relief of the poor belonging to each parish within any such union, whether such poor shall have been relieved in or out of such parish respectively, or in or out of any united workhouse, and whether such expense has been paid by the general fund of such union or the parochial funds of any of the parishes thereof, or by any private rate, or general subscription in lieu of a rate among the rate-payers of any such parish, and whether passed through the books or paid under the controul of the managers or officers of such union, or not, for the period of three years ending on the 25th of March 1834, including therein a due proportion of the expense of maintaining the united workhouses and establishment of such union, calculated according to the actual expense otherwise incurred for the relief of the poor belonging to each such parish; and the average annual amount of such expense shall be deemed and taken to have been the annual expense incurred by such parish on account of its poor, notwithstanding such parish may have contributed a greater or smaller sum than such annual average to the general funds of the union during such period; and such annual average, so ascertained as aforesaid, shall, if the said Commissioners shall see fit, and to such extent only as they may direct, be deemed and taken as the fixed proportion to be contributed and paid by each such parish respectively towards a common fund for the future hiring, maintaining, and upholding, repairing, altering, or enlarging of any workhouse, and the renting of any land used by such union at the passing of this Act, and for the purchasing, building, hiring,

maintaining, upholding, repairing, altering, or enlarging of any new workhouse or workhouses, or other place for the reception and relief of the poor belonging to the parishes of such union, and for the renting or purchase of any lands or tenements under or by virtue of the provisions of this Act, and the payment or allowance of any officers of such union, and the providing of utensils or materials for setting the poor on work therein, and for any other expense to be in future incurred for the common use or benefit of such parishes, and in addition to the cost or proportion of cost of the poor of such parishes who shall be maintained or relieved in or out of any workhouse of such union, for which each such parish shall in future be charged separately; any provision or enactment in the said recited Act or in any such local Acts to the contrary notwithstanding: Provided always, and the said Commissioners are hereby authorized, if they see fit, but not otherwise, upon the application of the guardians of any such last-mentioned union, or of the overseers of any parish forming part of the same, or without such application, from time to time to cause an inquiry and calculation to be made, and average ascertained, for the three years ending on the 25th of March next preceding such inquiry, of the expense incurred by each such parish, as well in respect of its contribution to such common fund as of the cost or proportion of costs of its poor which shall have been maintained or relieved in or out of any workhouse of such union during such period of three years; and from and after the ascertaining of such average or of any succeeding average the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes of which such common fund is hereinbefore declared to be applicable, in the proportions which the expense of such parishes shall be found to have borne to each other during such period, upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes to such common fund: Provided always, that nothing herein contained shall extend to any parishes already formed or hereafter to be formed into a union for the purposes of settlement or rating, or where the annual assessment is directed to be indifferently proportioned between the several parishes composing such union.

And for facilitating the inquiries directed by this Act:—

It is Enacted,

XXX. That unless and until they shall be proved to the satisfaction of the said Commissioners to be incorrect, the returns made to Parliament of the sums expended for the relief of the poor of any parish for the last three years previous to the passing of this Act shall be deemed to be the actual expense incurred by each such parish respectively during that period for the purposes aforesaid, and on account of the poor belonging to such parish respectively, and shall be taken as the ground on which such averages shall be calculated and ascertained.

XXXI. That from and after the passing of this Act so much of the said recited Act, 22 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' as provides that no parish, township, hamlet, or place which shall be situate more than ten miles from any poorhouse or workhouse to be provided under the authority of that Act shall be permitted to be united for the purposes therein mentioned with the parishes, townships, hamlets, and places which shall establish such poorhouse or workhouse as therein mentioned, and as limits the class or description of persons who shall be sent to such poorhouse or workhouse; and so much of a certain Act passed 56 Geo. 3. c. 83, intituled, 'An Act to repeal certain Provisions in Local Acts for the Maintenance and Management of the Poor,' as repeals all enactments and provisions contained in any Act or Acts of Parliament since the commencement of the reign of His late Majesty King George the First, whereby any parish, township, or hamlet at a greater distance than ten miles from any house of industry or workhouse shall thereafter be empowered or authorized to become contributors to or to take the benefit of such house of industry or workhouse; shall be and the same is hereby repealed.

XXXII. That it shall be lawful for the said Commissioners, from time to time, as they may see fit, by order under their hands and seal, to declare any union, whether formed before or after the passing of this Act, (except when united for the purposes of settlement or rating,) to be dissolved, or any parish or parishes, specifying the same, to be separated from or added to any such union, and, as the case may be, such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and the said Commissioners shall in every such case frame and make such rules, orders, and regulations as they may think fit for adapting the constitution, management, and board of guardians of every such union, from or to which there shall be such separation or addition as aforesaid, to the altered state of the same, and every such union shall after any such alteration be constituted, managed, and governed as if the same had been originally formed in such altered state; and in case any union shall be wholly or partially dissolved as aforesaid, then the parishes constituting, or, in case of a partial dissolution, separated from any such union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this Act as the said Commissioners shall think fit: Provided always, that in every such case the said Commissioners shall and they are hereby required to ascertain the proportionate value to every parish of such union of the workhouses or other property held or enjoyed by such union for the use of the poor or benefit of the rate-payers therein, and also the proportionate amount chargeable on every parish in respect of all the liabilities of such union existing at the time of such dissolution or alteration of the same, and the said Commissioners shall thereupon fix the amount to be received, or paid or secured to be paid, by every parish affected by such alteration; and the sum to be received, if any, by such parish, shall be paid, or, as the said Commissioners shall direct, be secured to be paid, to the overseers or guardians of the same, for the benefit of such parish, and in diminution of the rates thereof and of the expense attending such alteration; and the sum to be so paid or secured to be paid by every such parish shall be raised, under the direction of the said Commissioners, by the overseers or guardians of such parish, or charged on the poor rates of such parish, as the said Commissioners may see fit, and shall be paid or secured for the use and benefit of the union from which the same parish shall have been so separated, or of the persons or parishes otherwise entitled thereto, as the case may be: Provided always, that no such dissolution or alteration of the parishes constituting any such union, nor any addition thereto as aforesaid, shall in any manner prejudice, vary, or affect the rights or interests of third persons, unless such third persons, by themselves or their agents, do consent in writing to such dissolution or proposed alteration or addition: and that no such dissolution, alteration, or addition shall take place or be made unless a majority of not less than two thirds of the guardians of such union shall also concur therein; and in every such case, when the said majority of the guardians of such union shall so concur in such proposed alteration, it

terms on which such concurrence shall have been given, if approved by the said Commissioners, shall be binding and conclusive on the several parishes of such union.

XXXIII. That in any union already formed or which may hereafter be formed in pursuance of or under the provisions of this Act it shall and may be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, subject to the approbation of the said Commissioners, for or on behalf of the respective parishes forming such union, that for the purposes of settlement such parishes shall be considered as one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said Commissioners, and one part thereof shall be deposited with the said Commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said Commissioners, deposited with the Clerk of the Peace of the county, riding, division, district, or liberty in which the parishes of such union shall be respectively situate; and the said Clerk of the Peace shall and is hereby required, upon the receipt of such agreement, or counterpart or counterparts thereof, to file the same with the records of such county, riding, division, district, or liberty; and from and after the depositing of the same as aforesaid the said agreement shall for ever thereafter be binding on each of such parishes, and shall not be revoked or annulled; and the settlement of a poor person in any one of the parishes of such union shall be considered, as between such parishes, a settlement in such union, and the expense of maintaining, supporting, and relieving every such poor person, and all other expenses of maintaining, supporting, and relieving the poor to which any one of such parishes shall be liable after the depositing of such agreement, part or counterpart as aforesaid, or of ascertaining, litigating, or adjudging the settlement of any poor person in any of such parishes, shall form part of the general expenses and be paid out of the common funds of such union; Provided always, that wherever such agreement is entered into as aforesaid the rate or proportion of contribution to such common funds to be thereafter paid by each of the parishes of such union shall be ascertained and fixed in like manner as in and by this Act is provided for in cases where any union of parishes is made or proposed to be made under the provisions thereof, and shall not be subject to further variation.

XXXIV. That where the parishes of any union shall be situate within the same county, riding, division, district, or liberty, under the jurisdiction of the same Justices of the Peace, it shall and may be lawful for the guardians elected by the parishes forming such union, by any writing under the hands of all such guardians, to agree, with the approbation of the said Commissioners, for or on behalf of the respective parishes for which they shall so act as guardians, that, for the purposes of raising in common the necessary funds for the relief of the poor of such union, such parishes shall be considered one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said Commissioners, and one part thereof deposited with the said Commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said Commissioners, deposited with the Clerk of the Peace of the county, riding, division, district, or liberty, counties, district or districts, in which the said parishes of such union shall be situate; and the said Clerk or Clerks of the Peace shall and is and are hereby required, upon the receipt of such agreement, part or counterpart, to file the same with the records of such county, riding, division, district, or liberty, or counties, district or districts, and from and after the depositing and filing of such last-mentioned agreement or counterpart the same shall be for ever binding upon such parishes, and shall not be revoked or annulled.

XXXV. That from and after such depositing and filing of the said agreement, part or counterpart, the said guardians shall, under such regulations as the said Commissioners shall in that respect prescribe, proceed to ascertain and assess the value of the property in the several parishes of such union rateable to the relief of the poor, and to cause to be made such surveys and valuations of the said property, or any part thereof, as may be necessary, from time to time, to make a fair and just assessment upon the said united parishes in respect of such property so rateable as aforesaid; and all rates grounded on every such valuation or assessment shall be made, allowed, published, and recovered in such and the same manner as rates for the relief of the poor are now by law made, allowed, published, and recovered; and the rate-payers shall have the like power of appeal against such last-mentioned rates as any persons now have against rates made for the relief of the poor.

XXXVI. That from and after any such common rate shall have come into operation the proportions of contribution fixed at the period of uniting such parishes, or existing at the time of such last-mentioned agreement for a common rate, shall wholly cease; and all expenditure in respect of the poor of such union, or chargeable in any way on the poor rates of the respective parishes thereof, shall be deemed and be the common expenditure of such union, and be chargeable upon and paid out of the common or general fund to be raised upon such parishes under such common rate, according to the valuation or assessment of the rateable property in such parishes so ascertained, confirmed, and allowed by the said Justices from time to time in manner hereinbefore provided: Provided always, that the expense of every such valuation shall at all times be a charge on the common rate of such parishes: Provided always, that in case any parish of any union, at the period of entering into such agreement for the purposes of settlement or a common rate, shall not be represented by a guardian elected solely by such parish, such parish shall not be bound by any such agreement, unless a majority of the owners of property and rate-payers in such parish, entitled to vote in the manner provided by this Act, shall, by their votes in writing, testify their assent to such agreement in such form as the said Commissioners shall prescribe; and in case such assent shall not be so given, such parish shall be wholly omitted from such agreement, and be liable to pay such proportion only of the common assessment, as it was bound to pay upon the forming of the union of such parishes.

XXXVII. That from and after the passing of this Act, no union or incorporation of parishes shall be formed under the provisions of the said Act made and passed, 22 Geo. 3, without the previous consent of the said Commissioners, testified under their hands and seal.

XXXVIII. That where any parishes shall be united by order or with the concurrence of the said Commissioners for the Administration of the Laws for the Relief of the Poor, a board of guardians of the poor for such union shall be constituted and chosen, and the workhouse or workhouses of such union shall be governed, and the relief of the poor in such union shall be administered, by such board of guardians; and the said guardians shall be elected by the rate-payers, and by such owners of property in the parishes forming such union as shall in manner hereinafter mentioned require to have their names entered as entitled to

vote as owners in the books of such parishes respectively; and the said Commissioners shall determine the number and prescribe the duties of the guardians to be elected in each union, and also fix a qualification without which no person shall be eligible as such guardian, such qualification to consist in being rated to the poor rate of some parish or parishes in such union, but not so as to require a qualification exceeding the annual rental of 40*l.*, and shall also determine the number of guardians which shall be elected for any one or more of such parishes, having due regard to the circumstances of each such parish: Provided always, that one or more guardians shall be elected for each parish included in such union; and such guardians, when so elected, shall continue in office until the 25th of March next following their appointment or until others are appointed in their stead, and on such 25th of March, or if that day should fall on a Sunday or Good Friday then on the day next following, or within fourteen days next after the said 25th of March in every year, such guardians shall go out of office, and the guardians for the ensuing year shall be chosen; and in the event of any vacancy occurring in such board by the death, removal or resignation, or refusal or disqualification to act of any elected guardian between the periods of such first and the next and any subsequent annual election, or in case the full number of guardians shall not be duly elected at such subsequent election of guardians for the time being, the other or remaining members of the said board shall continue to act until the next election, or until the completion of the said board, as if no such vacancy had occurred, and as if the number of such board were complete; and every Justice of the Peace residing in any such parish, and acting for the county, riding, or division in which the same may be situated, shall be an *ex officio* guardian of such united or common workhouses, and shall, until such board of guardians shall be duly elected and constituted as aforesaid, and also, in case of any irregularity or delay in any subsequent election of guardians, receive and carry into effect the rules, orders, and regulations of the said Commissioners; and after such board shall be elected and constituted as aforesaid every such Justice shall *ex officio* be and be entitled, if he think fit, to act as a member of such board, in addition to and in like manner as such elected guardians: Provided always, that, except where otherwise ordered by the said Commissioners, and also except for the purpose of consenting to the dissolution or alteration of any union or any addition thereto, or to the formation of any union for the purposes of settlement or rating, no *ex officio* or other guardian of any such board as aforesaid shall have power to act in virtue of such office except as a member and at a meeting of such board; and no act of any such meeting shall be valid unless three members shall be present and concur therein: Provided also, that nothing herein contained shall prevent such owners and rate-payers from re-electing the same persons or any or either of them to be guardians for the year next ensuing, nor from electing as a guardian any person who may already have been chosen as a guardian of any other parish.

xxxix. That if the said Commissioners shall, by any order under their hands and seal, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, then such board shall be elected and constituted, and authorized and entitled to act, for such single parish, in like manner in all respects as is hereinbefore enacted and provided in respect to a board of guardians for united parishes; and every Justice of the Peace resident therein, and acting for the county, riding, or division in which the same is situated, shall be and may act as an *ex officio* member of such board.

xl. That in all cases of the election of guardians under this Act, or wherever the consent of the owners of property or rate-payers in any parish or union shall be required for any of the purposes of this Act, except when otherwise expressly provided for in this Act, the votes of such owners and rate-payers shall be given or taken in writing, collected, and returned, in such manner as the said Commissioners shall direct; and in every such case the owner, as well as the rate-payer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by an Act passed 58 Geo. 3. c. 69, intitled, 'An Act for the Regulation of Parish Vestries,' and in and by an Act to amend the same, made and passed 59 Geo. 3; and the rate-payers under 200*l.* shall each have a single vote; and the rate-payers rated at 200*l.* or more, but under 400*l.*, shall each have two votes, and the rate-payers rated at 400*l.* or more, shall each have three votes; and the majority of the votes of such owners and rate-payers which shall be actually collected and returned shall in every such case be binding on such parish, and for the purpose of ascertaining the number of votes to which each such owner shall be entitled, the aggregate amount of the assessment for the time being of any property belonging to such owner in such parish, or on any person or persons in respect of the same, to the poor rate, shall be deemed to be and be taken as the annual value of such property to such owner; and where any such owner shall be the *bona fide* occupier of any such property, he shall be entitled to vote as well in respect of his occupation as of his being such owner: Provided always, that it shall be lawful for any owner from time to time, by writing under his hand, to appoint any person to vote as his proxy; and every such appointment shall remain in force until revoked or recalled by such owner; but no owner shall be entitled to vote, either in person or proxy, unless he shall, previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in the parish as owner whereof, or proxy for the owner whereof, he claims to vote, and if such proxy, the original or an attested copy of the writing appointing him such proxy, to the overseers of such parish; and the said overseers are hereby required to enter in the rate books of such parish, or in some other book to be from time to time provided for that purpose, the names and addresses of the owners and proxies who shall send such statements, and the assessment of the rate for the relief of the poor of the property in respect whereof they respectively claim to vote: Provided also, that every person who shall not vote, or who shall not comply with the directions to be made by the said Commissioners for the giving, taking, or returning of votes, shall be omitted in the calculation of votes, and considered as having had no vote on the question whereon he might have voted: Provided also, that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of this Act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within the six months immediately preceding such voting or acting: Provided always, that in cases of property belonging to any corporation aggregate, or to any joint stock or other company, no member of such corporation, or proprietor of or interested in such joint stock or other company, shall be entitled to vote as such owner in respect thereof; but any officer of such corporation, joint stock or other company, whose name shall be entered by the direction of the governing body of such corporation or company in the books of the parish, in the manner hereinafter

directed with respect to the owner of property, shall be entitled to vote in respect of such property in the same manner as if he were the owner thereof.

XII. That all elections of guardians, visitors, and other officers, for the execution of any of the powers or purposes of the said recited Act, passed 22 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' or of any local Act of Parliament relating to poorhouses, workhouses, or the relief of the poor, or any Act to alter or amend the same respectively, shall hereafter, so far as the said Commissioners shall direct, be made and conducted according to the provisions of this Act: Provided always, that it shall be lawful for the said Commissioners, if they shall so think fit, from time to time, with the consent of the majority of the owners of property and rate-payers of any parish, or of any union now existing or to be formed under the provisions of this Act, to alter the period for which the guardians to be appointed under the provisions of this Act for such parish or union, or any of them, would under the provisions of this Act hold office, for such other period or periods as to the said Commissioners, with such consent as aforesaid, shall seem expedient, and also to make such alterations in the number, mode of appointment, removal, and period of service of the guardians, or any of them, of any parish, or of any union now existing or to be formed under the provisions of this Act, as to the said Commissioners, with such consent as aforesaid, shall seem expedient.

XIII. That the said Commissioners may and are hereby authorized, by writing under their hands and seal, to make rules, orders, and regulations, to be observed and enforced at every workhouse already established by virtue of the said recited Act passed 22 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' or any general or local Act of Parliament, or hereafter to be established by virtue of such Acts or of any of them, or of this or any other Act of Parliament relating to the relief of the poor, for the government thereof, and the nature and amount of the relief to be given to and the labour to be exacted from the persons relieved, and the preservation therein of good order, and from time to time to suspend, alter, vary, amend, or rescind the same, and make any new or other rules, orders, and regulations, to be observed and enforced as aforesaid, as they from time to time shall think fit, and to alter, at their discretion, any of the rules, orders, and regulations contained in the Schedule to the said recited Act, and also to alter or rescind any rules, orders, and regulations heretofore made in pursuance of the said recited Act, or any local Act of Parliament relating to workhouses, or the relief of the poor; and that all rules, orders, and regulations to be from time to time made by the said Commissioners under the authority of this Act shall be valid and binding, and shall be obeyed and observed as if the same were specifically made by and embodied in this Act; subject, nevertheless, to the said power of the said Commissioners from time to time to rescind, amend, suspend, or alter the same: Provided always, that if any such rule, order, or regulation shall be, at the time of issuing the same, directed to and affect more than one union, the same shall be considered as a general rule, and subject and liable to all the provisions in this Act contained respecting general rules.

XIV. That where any rules, orders, or regulations, or any bye laws, shall be made or directed by the said Commissioners to be observed or enforced in any workhouse, it shall and may be lawful for any Justice of the Peace acting in and for the county, place, or jurisdiction in which such workhouse shall be situate, to visit, inspect, and examine such workhouse at such times as he shall think proper, for the purpose of ascertaining whether such rules, orders, regulations, or bye laws are or have been duly observed and obeyed in such workhouse, as well as for such other purposes as Justices are now authorized to visit workhouses under and by virtue of a certain Act, passed 30 Geo. 3. c. 49, intituled, 'An Act to empower Justices and other Persons to visit Parish Workhouses or Poorhouses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions;' and if in the opinion of such Justice such rules, orders, regulations, or bye laws, or any of them, have not been duly observed and obeyed in such workhouse, it shall be lawful for such Justice to summon the party offending in such respect to appear before any two Justices of the Peace to answer any complaint touching the non-observance of such rules, orders, regulations, and bye laws, or any of them, and upon conviction before such two Justices of the party so offending such party shall forfeit and be liable to such penalties and punishments as are hereinafter prescribed and provided against parties wilfully neglecting or disobeying the rules, orders, or regulations of the said Commissioners: Provided always, that where no such rules, orders, regulations, or bye laws shall have been directed by the said Commissioners to be enforced and observed in the workhouse of any parish, nothing in this Act contained shall be construed to restrain or prevent any Justice of the Peace, physician, surgeon, or apothecary, or the officiating clergyman of any parish, from visiting such workhouse, and examining and certifying the state and condition of the same and of the poor therein, in such manner as they or any of them are authorized to do in and by the said last-recited Act.

And after reciting that the jurisdiction of certain cities, boroughs, and corporate towns is not always co-extensive with the parish in which it exists:—

It is Enacted,

XV. That every house or building which shall be erected, purchased, or hired as and for a workhouse, together with all premises and appurtenances thereto belonging, and the land or lands occupied therewith, shall be deemed and held to be within and subject to the local jurisdiction of such incorporated city, borough, or town to which they may respectively belong, though the same may be situated in such part of the respective parishes as may not be within the chartered boundaries thereof.

XVI. That nothing in this Act contained shall authorize the detention in any workhouse of any dangerous lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanor: Provided always, that nothing herein contained shall extend to any place duly licensed for the reception of lunatics and other insane persons, or to any workhouse being also a county lunatic asylum.

XVII. That it shall be lawful for the said Commissioners, as and when they shall see fit, by order under their hands and seal, to direct the overseers or guardians of any parish or union, or of so many parishes or unions as the said Commissioners may in such order specify and declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers with such qualifications as the said Commissioners shall think necessary for superintending or assisting in the administration

of the relief and employment of the poor, and for the examining and auditing, allowing or disallowing of accounts in such parish or union, or united parishes, and otherwise carrying the provisions of this Act into execution; and the said Commissioners may and they are hereby empowered to define and specify and direct the execution of the respective duties of such officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment and determine the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of the said officers as the said Commissioners shall think ought to give security, and, when the said Commissioners may see occasion, to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof, and the proportions in which such respective parishes or unions shall contribute to such payment; and such salaries shall be chargeable upon and payable out of the poor rates of such parish or union, or respective parishes, in the manner and proportions fixed by the said Commissioners, and shall be recoverable against the overseers or guardians of such parish or union, or parishes, by all such ways and means as the salaries of assistant overseers or other paid officers of any parish or union are recoverable by law; and all such payments shall be valid, and shall be allowed in the accounts of the overseers or guardians paying the same.

XLVII. That every overseer, treasurer, or other person having the collection, receipt, or distribution of the monies assessed for the relief of the poor in any parish or union, or holding or accountable for any balance or sum of money, or any books, deeds, papers, goods, or chattels relating to the relief of the poor, or the collection or distribution of the poor rate of any parish or union, shall once in every quarter, in addition to the annual account now by law required, and where the rules, orders, and regulations of the said Commissioners shall have come in force, then and as often as the said rules, orders, and regulations shall direct, but not less than once in every quarter, make and render to the guardians, auditors, or such other persons as by virtue of any statute or custom, or of the said rules, orders, or regulations, may be appointed to examine, audit, allow, or disallow such accounts, or in default of any such guardian, auditor, or other person being so appointed as aforesaid, then to the Justices of the Peace at their petty sessions for the division in which such parish or union shall be situate, a full and distinct account in writing of all monies, matters, and things committed to their charge, or received, held, or expended by them on behalf of any such parish or union, and if thereunto required by the Justices, guardians, auditors, or other persons authorized in that behalf, shall verify on oath the truth of all such accounts and statements from time to time respectively, or subscribe a declaration to the truth thereof, in manner and under the penalties in this Act provided for parties giving false evidence or refusing to give evidence under the provisions of this Act; and all balances due from any guardian, treasurer, overseer or assistant overseer, or other person having the controul and distribution of the poor rate, or accountable for such balances, may be recovered in the same manner as any penalties and forfeitures are recoverable under this Act: Provided nevertheless, that no such proceeding shall exonerate or discharge the liability of the surety of any such treasurer, overseer, assistant overseer, or other person as aforesaid.

XLVIII. That the said Commissioners may and they are hereby authorized and empowered, as and when they shall think proper, by order under their hands and seal, either upon or without any suggestion or complaint in that behalf from the overseers or guardians of any parish or union, to remove any master of any workhouse, or assistant overseer, or other paid officer of any parish or union whom they shall deem unfit for or incompetent to discharge the duties of any such office, or who shall at any time refuse or wilfully neglect to obey and carry into effect any of the rules, orders, regulations, or bye laws of the said Commissioners, whether such union shall have been made or such officer appointed before or after the passing of this Act, and to require from time to time the persons competent in that behalf to appoint a fit and proper person in his room; and that any person so removed shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any such parish or union, except with the consent of the said Commissioners under their hands and seal: Provided always, that no person shall be eligible to hold any parish office, or have the management of the poor in any way whatever, who shall have been convicted of felony, fraud, or perjury.

XLIX. That any contract which shall be entered into by or on behalf of any parish or union, for or relating to the maintenance, clothing, lodging, employment, or relief of the poor, or for any other purpose relating to or connected with the general management of the poor, which shall not be made and entered into in conformity with the rules, orders, or regulations of the said Commissioners in that behalf in force at the time of making and entering into the same, or otherwise sanctioned by them, shall be voidable, and, if the said Commissioners shall so direct, shall be null and void; and all payments made under or in pursuance of any contract not made and entered into in conformity with such rules, orders, or regulations, at any period after the said Commissioners shall have declared the same to be null and void as aforesaid, shall be disallowed in passing the accounts of the overseer, guardian, or other officer by whom such payments shall have been made.

L. That from and after the passing of this Act a certain Act made and passed 45 Geo. 3. c. 54, intituled, 'An Act to amend an Act made in the Ninth Year of King George the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor,' shall be and the same is hereby repealed: Provided always, that nothing in this Act contained shall extend or be construed to extend to affect or make void any bond or other security which shall have been entered into or given before the passing of this Act, under or in pursuance of the provisions of the said Act hereby repealed.

LI. That so much of a certain Act made and passed 55 Geo. 3. c. 137, intituled, 'An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer period than One Month at a Time; and for other Purposes therein mentioned, relating to the Poor,' as inflicts a penalty on persons having the management of the poor if concerned in providing or in any contract for the supply of any goods, materials, or provisions for the use of any workhouse or workhouses, or otherwise for the support or maintenance of the poor for their own profit, and all remedies for the recovery of such penalties, shall apply and the same are hereby extended and made applicable to every Commissioner, Assistant Commissioner, Guardian, Treasurer, Master of a workhouse, or other officer to be appointed under the provisions of this Act.

And after reciting that a practice has obtained of giving relief to persons or their families who, at the time of applying for or

receiving such relief, were wholly or partially in the employment of individuals, and the relief of the able-bodied and their families is in many places administered in modes productive of evil in other respects: And that difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid:—

It is Enacted,

LII. That from and after the passing of this Act it shall be lawful for the said Commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the workhouse of such parish or union, by payments in money, or with food or clothing in kind or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such out-door relief may be afforded; and all relief which shall be given by any overseer, guardian, or other person, having the controul or distribution of the funds of such parish or union, contrary to such orders or regulations, shall be and the same is hereby declared to be unlawful, and shall be disallowed in the accounts of the person giving the same, subject to the exceptions hereinafter mentioned: Provided always, that in case the overseers or guardians of any parish or union to which such orders or regulations shall be addressed or directed shall, upon consideration of the special circumstances of such parish or union, or of any person or class of persons therein, be of opinion that the application and enforcing of such orders or regulations, or of any part thereof, at the time or in the manner prescribed by the said Commissioners, would be inexpedient, it shall be lawful for such overseers or guardians to delay the operation of such orders or regulations, or of any part thereof, for any period not exceeding the space of thirty days, to be reckoned from the day of the receipt of such orders or regulations; and such overseers or guardians shall, twenty days at the least before the expiration of such thirty days, make a statement and report of such special circumstances to the said Commissioners; and all relief which shall be given by such overseers or guardians, before an answer to such report shall have been returned by the said Commissioners, if otherwise lawful, shall not be deemed unlawful although the same shall have been given contrary to such orders or regulations, or any of them; but in case the said Commissioners shall disapprove of such delay, or think that for the future such orders or regulations ought to come into operation, notwithstanding the special circumstances alleged by such overseer or guardian, it shall be lawful for the said Commissioners, by a peremptory order, to direct that from and after a day to be fixed thereby such orders and regulations, or such parts or modifications thereof as they may think expedient and proper, shall be enforced and observed by such overseers and guardians; and if any allowance be made or relief given by such overseers or guardians after the said last-mentioned period, contrary to any such last-mentioned order, the amount of the relief or allowance so given shall be disallowed in the accounts of the party giving the same: Provided also, that a quarterly report of all such cases as shall occur in any quarter shall, at the end of every such quarter, be laid by the said Commissioners before one of His Majesty's principal Secretaries of State: Provided also, that in case the overseers or guardians of any parish or union in which such orders or regulations shall be in force shall depart from them or any of them in any particular instance or instances of emergency, and shall within fifteen days after every such departure report the same and the grounds thereof to the said Commissioners, and the said Commissioners shall approve of such departure, or if the relief so given shall have been given in food, temporary lodging, or medicine, and shall have been so reported as aforesaid, then and in either of such cases the relief granted by such overseers or guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed.

LIII. That an Act passed 36 Geo. 3. c. 23, intituled, 'An Act to amend so much of an Act made in the Ninth Year of the Reign of King George the First, intituled, "An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor," as prevents the distributing occasional Relief to poor Persons in their own Houses, under certain Circumstances and in certain Cases;' and so much of an Act made and passed 55 Geo. 3. c. 137. s. 3 & 4, intituled, 'An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time, and for other Purposes therein mentioned relating to the Poor,' as extends the period for which occasional relief may be ordered by any Justice or Justices to poor persons at their own homes; and so much of the said Act made and passed 59 Geo. 3. c. 12. s. 2 & 5, intituled, 'An Act to amend the Laws for the Relief of the Poor,' as empowers any Justice or Justices to order relief in certain cases for a limited time, or in cases of urgent necessity, or in cases where parishes are under the management of guardians, governors, or directors appointed by special or local Acts, or in cases where parishes have not a select vestry, shall be and the same are hereby repealed.

LIV. That from and after the passing of this Act the ordering, giving, and directing of all relief to the poor of any parish which, according to the provisions of any of the said recited Acts, or of an Act passed 1 & 2 Will. 4. c. 80, intituled, 'An Act for the better regulating of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes in England and Wales,' or of this Act, or of any local Acts, shall be under the government and controul of any guardians of the poor, or of any select vestry, and whether forming part of any union or incorporation or not, (but subject in all cases to, and saving and excepting the powers of, the said Commissioners appointed under this Act,) shall appertain and belong exclusively to such guardians of the poor or select vestry, according to the respective provisions of the Acts under which such guardians or select vestry may have been or shall be appointed; and it shall not be lawful for any overseer of the poor to give any further or other relief or allowance from the poor rate than such as shall be ordered by such guardians or select vestry, except in cases of sudden and urgent necessity, in which cases he is hereby required to give such temporary relief as each case shall require, in articles of absolute necessity, but not in money, and whether the applicant for relief be settled in the parish where he shall apply for relief or not: Provided always, that in case such overseer shall refuse or neglect to give such necessary relief in any such case of necessity to poor persons not settled nor usually residing in the parish to which such overseer belongs, it shall and may be lawful for any Justice of the Peace to order the said overseer, by writing under his hand and seal, to give such temporary relief in articles of absolute necessity, as the case shall require, but not in money; and in case such overseer shall disobey such order, he shall, on conviction before two Justices, forfeit any sum not exceeding 5*l.* which such Justices shall order: Provided always, that any Justice of the Peace shall be empowered to give a similar order for medical relief (only) to any parishioner, as well as out-parishioner, where any case of sudden and dangerous illness may require it; and any overseer shall be liable to the same penalties as aforesaid for disobeying such order; but it shall not be lawful for any Justice or Justices to order relief to any person or persons from the poor rates of any such parish, except as hereinbefore provided.

LV. That from and after the passing of this Act the master of every workhouse, or such other paid officer of the parish or union as the said Commissioners may direct, shall, on such day and in such form as the said Commissioners shall appoint, take an account of, and register in a book to be provided at the expense of the parish or union to which such workhouse shall belong, and to be kept specially for that purpose, the name of every poor person who shall on such days be in the receipt of relief at or in such workhouse, together with such particulars respecting the families and settlement of every such poor person, and his and their relief and employment, as the said Commissioners shall think fit; and in like manner, on such day as the said Commissioners shall appoint, the overseer of the poor of every such parish shall register in a book, to be provided and kept as aforesaid, the name of every poor person then in the receipt of relief in such parish out of the workhouse, together with such particulars respecting the family and settlement of every such poor person, and his and their relief and employments, as the said Commissioners shall think fit; and after such account shall have been so taken and registered as aforesaid a similar register and account shall be kept by the like persons respectively of all persons who shall receive relief at or in or out of a workhouse, when and as often as such relief shall be granted.

LVI. That from and after the passing of this Act all relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be, and any relief given to or on account of any child or children under the age of sixteen of any widow, shall be considered as given to such widow: Provided always, that nothing herein contained shall discharge the father and grandfather, mother and grandmother, of any poor child, from their liability to relieve and maintain such poor child in pursuance of the provisions of a certain Act of Parliament passed 43 Eliz. c. 2, intituled, 'An Act for the Relief of the Poor.'

LVII. That every man who from and after the passing of this Act shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children; and such child or children shall, for the purposes of this Act, be deemed a part of such husband's family accordingly.

LVIII. That from and after the passing of this Act any relief, or the cost price thereof, which shall be given to or on account of any poor person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, and which the said Commissioners shall by any rule, order, or regulation declare or direct to be given or considered as given by way of loan, and whether any receipt for such relief, or engagement to repay the same, or the cost price thereof, or any part thereof, shall have been given or not by the person to or on account of whom the same shall have been so given, shall be considered and the same is hereby declared to be a loan to such poor person.

LIX. That in all cases where any relief shall have been given by way of loan, or where any relief, or the cost price thereof shall be treated as a loan, under the rules, orders, and regulations of the said Commissioners, or the provisions of this Act, it shall be lawful for any Justice, upon the application of the overseers or guardians of the parish or union providing such relief, and upon proof of the same having been given to or on account of any such person, his wife or family as aforesaid, and of the same, or any part thereof, still remaining due, to issue a summons, requiring such person, as well as the master or employer of such person, or some person on his behalf, to appear before any two Justices, at a time and place to be named in such summons, to shew cause why any wages due, or which may from time to time become due, from such master or employer, should not be paid over, in whole or in part, to such overseers or guardians, and if no sufficient cause be shewn to the contrary, or if such person, or some one on his behalf, shall not appear on the return of such summons, then the said Justices shall, by order under their hands, direct the master or employer for the time being from whom any wages shall be due or from time to time become due or payable to such poor person, to pay, either in one sum or by such weekly or other instalments as the said Justices shall in their discretion think fit, taking into consideration the circumstances of such poor person and his family, out of such wages, to such overseers or guardians, the amount of such relief, or so much thereof as shall from time to time be due or unpaid; and the payment to and receipt of any such overseer or guardian shall be a good discharge to such master or employer for so much of any such wages as shall be so paid by virtue of any such order; and if any such master or employer shall refuse or neglect to pay to the overseer or guardian producing any such order the money thereby directed to be paid, according to the terms of such order, and at the periods thereby fixed for such payment, the same may be levied and recovered, and the payment thereof from time to time enforced against such master or employer, in such and the like manner as penalties and forfeitures are recoverable under this Act.

LX. That from and after the passing of this Act so much of an Act passed in the 43 Geo. 3. c. 47, intituled, 'An Act for consolidating and amending the several Laws for providing Relief for the Families of Militiamen in England when called out into actual Service,' as directs overseers of the poor, by order of some one Justice of the Peace, to pay to the family of any person serving or enrolled as a balloted man, substitute, hired man, or volunteer in the Militia of England, a weekly allowance, or so authorizes any Justice or Justices to order such allowance to be paid under the rules and conditions in the said recited Act provided, or as in any way discharges such balloted man, substitute, hired man, or volunteer from the liability to maintain or repay the costs of maintenance of his family or any part thereof, or as prevents such families or any part thereof from being removeable to their place of legal settlement, or sent to any workhouse, by reason of their receiving any allowance or being chargeable, shall be and the same is hereby repealed.

LXI. That from and after the period at which any rule, order, or regulation of the said Commissioners shall come into operation for the binding of poor children apprentices, in addition to such assent or consent, order or allowance of Justices, as are now required by law, such Justices or any one Justice are and is hereby authorized and required to examine and ascertain whether the rules, orders, or regulations of the said Commissioners then in force for the binding of poor children apprentices have been complied with, and to certify the same at the foot of every such contract or indenture, and of the counterpart thereof, in such form and manner as the said Commissioners by such rules, orders, or regulations may direct, and until so certified no such contract or indenture of apprenticeship shall be valid: Provided nevertheless, that nothing in this Act, or in any rule, order,

or regulation of the said Commissioners, shall affect the jurisdiction of any Justices of the Peace over any master or apprentice during the period of apprenticeship.

LXII. That it shall and may be lawful for the rate-payers in any parish, and such of the owners of property therein as shall, in manner hereinbefore mentioned, have required their names to be entered in the rate books of such parishes respectively as entitled to vote as owners, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place of holding such meeting, and the purpose for which the same is intended to be held, shall have been given in like manner as notices of vestry meetings are published and given, to direct that such sum or sums of money, not exceeding half the average yearly rate for the three preceding years, as the said owners and rate-payers so assembled at such meeting may think proper, shall be raised or borrowed as a fund, or in aid of any fund or contribution for defraying the expenses of the emigration of poor persons having settlements in such parish, and willing to emigrate, to be paid out of or charged upon the rates raised or to be raised for the relief of the poor in such parish, and to be applied under and according to such rules, orders, and regulations as the said Commissioners shall in that behalf direct: Provided always, that no such direction for raising money for such purpose as aforesaid shall have any force or effect unless and until confirmed by the said Commissioners, and that the time to be limited for the repayment of any sum so charged on such rates as aforesaid shall in no case exceed the period of five years from the time of borrowing the same: Provided also, that all sums of money so raised as last hereinbefore mentioned, and advanced by way of loan, for the purposes of emigration, or such proportion thereof as the said Commissioners shall by any rule, order, or regulation from time to time direct, shall be recoverable against any such person, being above the age of twenty-one years, who or whose family, or any part thereof, having consented to emigrate, shall refuse to emigrate after such expenses shall have been so incurred, or having emigrated shall return, in such and the like manner as is hereinbefore provided with respect to relief, or the cost price of relief, given or considered to be given by way of loan to any person, his wife or family.

LXIII. That where it shall be lawful under the provisions of any of the herein recited Acts, or of any local Act, or of this Act, to raise or borrow any sum or sums of money for the purpose of purchasing, building, altering, or enlarging any workhouse or workhouses in any parish or union, or for purchasing land whereon to build the same, or for defraying the expenses of the emigration of poor persons having settlements in any parish, and being willing to emigrate, it shall be lawful for the overseers or guardians of such parish or union, with the consent of the said Commissioners, to be testified under their hands and seal, to make application for an advance of any sum necessary for any such purposes to the Commissioners appointed under an Act passed in the 57 Geo. 3. c. 34, intituled, 'An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned,' and of any Act or Acts passed for amending or continuing the same; and the said Exchequer Bill Loan Commissioners are hereby empowered to make such advances, upon any such application as aforesaid, upon the security of the rates for the relief of the poor in such parish or union, and without requiring any further or other security than a charge on such rates.

LXIV. That from and after the passing of this Act no settlement shall be acquired by hiring and service, or by residence under the same, or by serving an office.

LXV. That no person under any contract of hiring and service not completed at the time of the passing of this Act shall acquire, or be deemed or judged to have acquired, any settlement by reason of such hiring and service, or of any residence under the same.

LXVI. That from and after the passing of this Act no settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same shall have been assessed to the poor rate, and shall have paid the same, in respect of such tenement, for one year.

LXVII. That from and after the passing of this Act no settlement shall be acquired by being apprenticed in the sea service, or to a householder exercising the trade of the seas as a fisherman or otherwise, nor by any person now being such an apprentice in respect of such apprenticeship.

LXVIII. That no person shall be deemed, adjudged, or taken to retain any settlement, gained by virtue of any possession of any estate or interest in any parish, for any longer or further time than such person shall inhabit within ten miles thereof; and in case such person shall cease to inhabit within such distance, and thereafter become chargeable, such person shall be liable to be removed to the parish wherein previously to such inhabitation he may have been legally settled, or in case he may have subsequently to such inhabitation gained a legal settlement in some other parish, then to such other parish.

LXIX. That from and after the passing of this Act so much of any Act or Acts of Parliament as enables any single woman to charge any person with having gotten her with any child of which she shall then be pregnant, or as renders any person so charged liable to be apprehended or committed, or required to give security, on any such charge, or as enables the mother of any bastard child or children to charge or affiliate any such child or children on any person as the reputed or putative father thereof, or as enables any overseer or guardian to charge or make complaint against any person as such reputed or putative father, and to require him to be charged with or contribute to the expenses attending the birth, sustentation, or maintenance of any such child or children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative father liable to punishment or contribution as such, or as enables churchwardens and overseers, by the order of any two Justices of the Peace, confirmed by the Sessions, to take, seize, and dispose of the goods and chattels, or to receive the usual rents or profits of the lands of any putative father of bastard children, and so much of any such Act or Acts as enables any bastard woman with child liable as such to be summoned, examined, or removed, or as renders the mother of any bastard child or children so to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born after the passing of this Act, or the mother or putative father of such child, be and the same shall be deemed to be repealed.

LXX. That every security given or recognizance entered into by any person or persons, or his or their surety, before the passing of this Act, to indemnify any parish or place as to any child or children likely to be born a bastard or bastards, whereof any single woman shall be pregnant at the time of the passing of this Act, or to abide and perform such order or orders as might have been made touching such child or children, pursuant to an Act made and passed in the eighteenth year of the reign of her said late Majesty Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony, shall be and the same are hereby declared null and void; and every person who shall at the time of the passing this Act be in custody upon the commitment of any Justice or Justices for not having given such security or entered into such recognizance shall be discharged (upon the application of such person) by any one of the visiting Justices of the gaol in which such person shall be in custody under any such commitment.

LXXI. That every child which shall be born a bastard after the passing of this Act shall follow the settlement of the mother of such child until such child shall attain the age of sixteen, or shall acquire a settlement in its own right, and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as a part of her family until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: Provided always, that such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

LXXII. That when any child shall hereafter be born a bastard, and shall by reason of the inability of the mother of such child to provide for its maintenance become chargeable to any parish, the overseers or guardians of such parish, or the guardians of any union in which such parish may be situate, may, if they think proper, after diligent inquiry as to the father of such child, apply to the next General Quarter Sessions of the Peace within the jurisdiction of which such parish or union shall be situate, after such child shall have become chargeable, for an order upon the person whom they shall charge with being the putative father of such child to reimburse such parish or union for its maintenance and support; and the Court to which such application shall be made shall proceed to hear evidence thereon, and if it shall be satisfied, after hearing both parties, that the person so charged is really and in truth the father of such child, it shall make such order upon such person in that respect as to such Court shall appear to be just and reasonable under all the circumstances of the case: Provided always, that no such order shall be made unless the evidence of the mother of such bastard child shall be corroborated in some material particular by other testimony to the satisfaction of such Court: provided also, that such order shall in no case exceed the actual expense incurred or to be incurred for the maintenance and support of such bastard child while so chargeable, and shall continue in force only until such child shall attain the age of seven years, if he shall so long live: provided also, that no part of the monies paid by such putative father in pursuance of such order shall at any time be paid to the mother of such bastard child, nor in any way be applied to the maintenance and support of such mother.

LXXIII. That no such application shall be heard at such Sessions unless fourteen days notice shall have been given under the hands of such overseers or guardians to the person intended to be charged with being the father of such child of such intended application; and in case there shall not, previously to such Sessions, have been sufficient time to give such notice, the hearing of such application shall be deferred to the next ensuing General Quarter Sessions: Provided always, that whenever such application shall be heard, the costs of the maintenance of such bastard child shall, in case the Court shall think fit to make an order thereon, be calculated from the birth of such bastard child, if such birth shall have taken place within six calendar months previous to such application being heard; but if such birth shall have taken place more than six calendar months previously to such application being heard, then from the day of the commencement of six calendar months next preceeding the hearing of such application: provided also, that if upon the hearing of such application the Court shall not think fit to make any order thereon, it shall order and direct that the full costs and charges incurred by the person so intended to be charged in resisting such application shall be paid by such overseers or guardians.

LXXIV. That if such person so intended to be charged shall not appear by himself or his attorney at the time when such application shall come on to be heard before such Court, according to such notice, such Court shall nevertheless proceed to hear the same, unless such overseers or guardians shall produce an agreement under the hand of such person to abide by such order as such Court shall make thereon without the hearing of evidence by such Court: Provided always, that such Court may, notwithstanding such agreement, require that evidence shall be given in support of such application, if it thinks fit, before such order is made.

LXXV. That whenever such overseers or guardians shall have determined to make such application as aforesaid it shall be lawful for one Justice of the Peace, at the request of such overseers or guardians, to summon the person so intended to be charged with being the father of such bastard child to appear before him; and if such Justice shall be satisfied that such person has any intention to abscond or keep out of the way, in order to avoid the consequences of such application, such Justice may require such person to enter into a recognizance to appear and answer thereto, and in case such person shall refuse or neglect to enter into such recognizance, may commit such person to the gaol or house of correction of the county, riding, or division within which such parish shall be situate, until he shall enter into such recognizance, or until such application shall be heard.

LXXVI. That if at any time after the expiration of one calendar month after an order shall have been made in pursuance of such application it shall appear to one Justice, upon the oath of any one of such overseers or guardians, that the payments directed to be made by such order have not been made according thereto and are in arrear, it shall be lawful for such Justice or any other Justice by warrant under his hand and seal to cause such putative father of such bastard child to be brought before two Justices of the Peace; and in case such putative father shall refuse or neglect to make payment of such sum of money as shall appear to such Justices to be due from him under such order, together with the costs of apprehension, it shall be lawful for such or any two Justices to proceed to recover such sum and costs by distress and sale of the goods and chattels of such putative father, or by attaching the wages of such putative father for the recovery of such sum and costs, in the same manner as wages may be attached under the provisions of this Act.

LXXVII. That it shall not be lawful for any person hereafter to be appointed in any parish or union to any office concerned in the administration of the laws for the relief of the poor, or for any person who after the twenty-fifth day of March one thousand eight hundred and thirty-five shall fill any such office, to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions ordered to be given in parochial relief, or to furnish or supply any goods, materials, or provisions for or in respect of the money ordered to be given in parochial relief to any person in such parish or union; and every person holding such office shall, on conviction before any two Justices of the Peace, be subject to a penalty of 5*l.* for such offence, one half of which penalty shall be paid to the informer, and the other half in aid of the poor rates of such parish or union.

LXXVIII. That all sums of money which shall be assessed by any Justices of the Peace on the father, grandfather, mother, grandmother, child or children of any poor person, for the relief or maintenance of such poor person, under or by virtue of the provisions of an Act passed in the forty-third year of the reign of her late Majesty Queen Elizabeth, c. 2. s. 7, intituled, 'An Act for the Relief of the Poor,' or of any Act to amend the same, or of this Act, and all penalties and forfeitures to which any person so assessed by such Justices for such relief or maintenance shall be liable for any default in paying the same by virtue of the provisions of any of the said recited Acts or of this Act, shall be recoverable against every person so assessed or charged in like manner as penalties and forfeitures are recoverable under the provisions of this Act.

LXXIX. That from and after the 1st of November 1834 no poor person shall be removed or removeable, under any order of removal from any parish or workhouse, by reason of his being chargeable to or relieved therein, until twenty-one days after a notice in writing of his being so chargeable or relieved, accompanied by a copy or counterpart of the order of removal of such person, and by a copy of the examination upon which such order was made, shall have been sent, by post or otherwise, by the overseers or guardians of the parish obtaining such order, or any three or more of such guardians, to the overseers of the parish to whom such order shall be directed: Provided always, that if such overseers or guardians as last aforesaid, or any three or more of such guardians, shall by writing under their hands agree to submit to such order, and to receive such poor person, it shall be lawful to remove such poor person according to the tenor of such order, although the said period of twenty-one days may not have elapsed: Provided also, that if notice of appeal against such order of removal shall be received by the overseers or guardians of the parish from which such poor person is directed in such order to be removed within the said period of twenty-one days, it shall not be lawful to remove such poor person until after the time for prosecuting such appeal shall have expired, or, in case such appeal shall be duly prosecuted, until after the final determination of such appeal.

LXXX. That the overseers or guardians of the parish giving such notice of appeal, or their attorney, or any other person authorized by them, shall, until such appeal shall have been heard and decided, at all proper times have free access to such poor person for the purpose of examining him touching his settlement; and in case it shall be necessary for the more effectual examination of such person that he should be taken out of the removing parish, such overseers or guardians shall be permitted to remove him therefrom for the time which may be necessary for that purpose: Provided always, that the expense of such removal, and of his maintenance during the same, shall be defrayed by the appellant parish.

LXXXI. That after the 1st of November 1834, in every case where notice of appeal against such order shall be given, the overseers or guardians of the parish appealing against such order, or any three or more of such guardians, shall, with such notice, or fourteen days at least before the first day of the Sessions at which such appeal is intended to be tried, send or deliver to the overseers of the respondent parish a statement in writing under their hands of the grounds of such appeal; and it shall not be lawful for the overseers of such appellant parish to be heard in support of such appeal unless such notice and statement shall have been so given as aforesaid: Provided always, that it shall not be lawful for the respondent or appellant parish, on the hearing of any appeal, to go into or give evidence of any other grounds of removal, or of appeal against any order of removal, than those set forth in such respective order, examination, or statement as aforesaid.

LXXXII. That upon every such appeal the Court before whom the same shall be brought shall and may, if they think fit, order and direct the parish against which the same shall be decided to pay to the other such costs and charges as may to such Court appear just and reasonable, and shall certify the amount thereof; and in case the overseers of the poor of the parish liable to pay the same shall, upon demand, and upon the production of such certificate, refuse or neglect to pay the same, the amount thereof may be recovered from such overseer in the same manner as any penalties or forfeitures are by this Act recoverable.

LXXXIII. That if either of the parties shall have included in the order or statement sent as hereinbefore directed any grounds of removal or of appeal which shall in the opinion of the Justices determining the appeal be frivolous and vexatious, such party shall be liable, at the discretion of the said Justices, to pay the whole or any part of the costs incurred by the other party in disposing any such grounds, such costs to be recovered in the manner hereinbefore directed as to the other costs incurred by reason of such appeal.

LXXXIV. That the parish to which any poor person whose settlement shall be in question at the time of granting relief shall be admitted or finally adjudged to belong shall be chargeable with and liable to pay the cost and expense of the relief and maintenance of such poor person, and such cost and expense may be recovered against such parish in the same manner as any penalties or forfeitures are by this Act recoverable: Provided always, that such parish, if not the parish granting such relief, shall pay to the parish by which such relief shall be granted the cost and expense of such relief and maintenance from such time only as notice of such poor person having become chargeable shall have been sent by such relieving parish to the parish to which such poor person shall be so admitted or finally adjudged to belong: Provided always, that no charges or expenses of relief or maintenance shall be recoverable under a suspended order of removal unless notice of such order of removal, with a copy of the same, and of the examination upon which such order was made, shall have been given within ten days of such order being made to the overseers of the poor of the parish to whom such order is directed.

LXXXV. That it shall be lawful for the said Commissioners and they are hereby empowered, from time to time as they may think fit, to require from all persons in whom any freehold, copyhold, or leasehold estate, or any other property or funds belonging to any parish, and held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor rates of such parish, shall be vested, or who shall be in the receipt of the rents, profits, or income of any such estate, property or

funds, a true and detailed account in writing of the place where such estate may be situate, or in what mode or on what security such other property or funds may be invested, with such details of the rents, profits, and income thereof, and of the appropriation of the same, and of all such other particulars relating thereto, as the said Commissioners may direct and require; and such statement or a true copy thereof shall, under the regulations of the said Commissioners, be open for the inspection of the owners of property and rate-payers in such parish: Provided always, that nothing hereinbefore contained shall apply to any funds raised from time to time by the voluntary contributions of the inhabitants of any parish.

LXXXVI. That no advertisement inserted by or under the direction of the said Commissioners in the *London Gazette* or any newspaper, for the purpose of carrying into effect any provisions of this Act, nor any mortgage, bond, instrument, or any assignment thereof, given by way of security, in pursuance of the rules, orders, or regulations of the said Commissioners, and conformable thereto, nor any contract or agreement, or appointment of any officer, made or entered into in pursuance of such rules, orders, or regulations, and conformable thereto, nor any other instrument made in pursuance of this Act, nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor, or in the management or collection of the poor rate, shall be charged or chargeable with any stamp duty whatever.

And after reciting that by an Act, 23 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' the visitor and guardian of the poor of the parish, township, or place which shall adopt the provisions of the said recited Act are authorized thereby to borrow money at interest, for the purposes mentioned in the said Act, and to secure such money by a charge upon the poor rates of such parish, township, or place, in sums not exceeding 50*l.* each, in a certain form contained in the Schedule to the said Act, or to that or to the like effect, and which security is directed and allowed to be assigned by indorsement on the back thereof in a certain form also contained in the said Schedule, or to that or the like effect: And that doubts have arisen touching the liability of such securities as aforesaid, and the assignments or transfers thereof, to stamp duty, and it is expedient to remove the same:—

It is Enacted and Declared,

LXXXVII. That no bond or other security at any time heretofore or to be at any time hereafter made or entered into in pursuance of the said recited Act, nor any assignment or transfer thereof, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any stamp duty whatsoever; anything in any Act contained to the contrary thereof notwithstanding.

LXXXVIII. That the said Commissioners shall and may receive and send by the general post, from and to places within the United Kingdom, all letters and packets relating solely and exclusively to the execution of this Act, free from the duty of postage, provided that such letters and packets as shall be sent to the said Commissioners be directed to the "Poor Law Commissioners" at their office in London, and that all such letters and packets as shall be sent by the said Commissioners shall be in covers, with the words "Office of Poor Law Commissioners, pursuant to Act of Parliament passed in the fifth year of the reign of His Majesty King William the Fourth," printed on the same, and be signed on the outside thereof, under such words, with the name of such person as the said Commissioners, with the consent of the Lords Commissioners of the Treasury, or any three or more of them, shall authorize and appoint, in his own handwriting, (such name to be from time to time transmitted to the Secretaries of the General Post Office in London and Dublin,) and be sealed with the seal of the said Commissioners, and under such other regulations and restrictions as the said Lords Commissioners, or any three or more of them, shall think proper and direct; and the person so to be authorized is hereby strictly forbidden so to subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate solely and exclusively to the execution of this Act; and if the person so to be authorized, or any other person, shall send, or cause or permit to be sent, under any such cover, any letter, paper, or writing, or any enclosure, other than what shall relate to the execution of this Act, every person so offending shall forfeit and pay the sum of 100*l.*, and be dismissed from his office; one moiety of the said penalty to the use of His Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's courts of record at Westminster for offences committed in England, and in any of His Majesty's courts of record in Dublin for offences committed in Ireland, and before the Sheriff or Stewartry Court of the shire or stewartry within which the party so offending shall reside, or the offence shall be committed, for offences committed in Scotland; and if any letter, paper, or writing, or other enclosure, shall be sent under cover to the said Commissioners, the same not relating solely and exclusively to the execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in London, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rates of postage.

LXXXIX. That all payments, charges, and allowances made by any overseer or guardian, and charged upon the rates for the relief of the poor, contrary to the provisions of this Act, or at variance with any rule, order, or regulation of the said Commissioners made under the authority of this Act, shall be and the same are hereby declared to be illegal, any law, custom, or usage to the contrary notwithstanding; and every Justice of the Peace is hereby required to disallow as illegal and unfounded all payments, charges, or allowances contrary to the provisions of this Act, or to any such rule, order, or regulation of the said Commissioners, which shall be contained in any account of any overseer of the poor or guardian which shall be presented for the purpose of being passed or allowed: Provided always, that no allowance by any Justice shall exonerate or discharge such overseer or guardian from any penalty or legal proceeding to which he may have rendered himself liable by having acted contrary to the rules, orders, and regulations of the said Commissioners, or to the provisions of this Act.

XC. That the leaving of any summons authorized to be issued by any Commissioner, Assistant Commissioner, or Justice of the Peace, under this Act, at the usual or last known place of abode of the party to whom such summons shall be directed, shall in every case be deemed good and sufficient service of such summons.

XCI. That so much of an Act made and passed in the 6 Geo. 4. c. 80, intituled, 'An Act to repeal the Duties payable in respect of the Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and

for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation,' as provides that if any master or officer of any workhouse shall sell, use, lend, or give away, or knowingly permit or suffer any spirits to be sold, used, lent, or given away, in any such workhouse, or brought into the same, other than and except such spirits as shall be prescribed or given by the prescription and direction of a physician, surgeon, or apothecary, and to be supplied in pursuance of such prescriptions from the shop of some apothecary, every such master or other officer shall for every such offence forfeit 100*l.*, and for the second like offence lose his office; and so much of the said last-mentioned Act as provides that no person shall carry or bring, or attempt or endeavour to carry or bring, any spirits, except to be used in the way of medicine, into any workhouse, under the pain of being imprisoned for every such offence for any time not exceeding three months; and also so much of the said last-mentioned Act as provides that every master and chief officer of every workhouse shall procure one or more copy or copies of the clauses in the said Act mentioned to be printed or fairly written and hung up in one of the most public places in the workhouse, and renew the same from time to time, so that it may be always kept fair and legible, on pain of forfeiting the sum of 10*l.* for every wilful default; or as enables any Justice of the Peace to demand a sight of such copy so hung up in some public place, to convict such master or officer of such default; shall be and the same is hereby repealed.

xcii. That if any person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any workhouse now or hereafter to be established, any spirituous or fermented liquor without the order in writing of the master of such workhouse, it shall be lawful for the master of such workhouse, or any officer of the same acting under his direction, to apprehend or cause to be apprehended such offender, and to carry him or her before a Justice of the Peace, who is hereby empowered to hear and determine such offence in a summary way; and upon conviction thereof the party so offending shall forfeit and pay any sum of money not exceeding 10*l.* for every such offence, as such Justice may direct; and in default of payment of the penalty hereby imposed such Justice may and is hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding two calendar months, unless such penalty shall be sooner paid.

xciii. That if any master of a workhouse shall order any spirituous or fermented liquor to be carried, brought, or introduced into any workhouse, except for the domestic use of himself or of any officer of the said workhouse, or their respective families, or except by and under the written authority of the surgeon of such workhouse, or of any Justice visiting the same, or of the guardians of such workhouse, or in conformity with any rules, orders, or regulations of the said Commissioners; or if any such master or any other officer of any workhouse shall carry, bring, or introduce into such workhouse, or sell, use, lend, or give away therein, or knowingly permit or suffer to be carried, brought, or introduced, or sold, used, lent, or given away therein, any spirituous or fermented liquor, contrary to the rules, orders, and regulations of the said Commissioners; or shall punish with any corporal punishment any adult person in such workhouse, or confine any such person for any offence or misbehaviour for any longer space of time than twenty-four hours, or such further space of time as may be necessary in order to have such person carried before a Justice of the Peace; or shall in any way abuse or ill-treat, or be guilty of any other misbehaviour, or otherwise misconduct himself towards or with respect to any poor person in such workhouse; every such master or officer of a workhouse so offending shall for every such offence, upon the complaint of the overseers or guardians of the parish or union to which such workhouse shall belong, or of any such poor person, and upon conviction of such offence before any two Justices, forfeit and pay such sum of money, not being more than 20*l.*, as such Justices may direct; and in default of payment of the penalty hereby imposed such Justices may and are required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding six calendar months, unless such penalty shall be sooner paid: Provided always, that if at the time when any such master or officer of a workhouse shall be so convicted of any such offence there shall be due to him any sum of money or salary in respect of his employment as such master or officer of such workhouse, or upon any balance of account from the overseers or guardians of the parish or union to which such workhouse shall belong, it shall be lawful for such Justices, upon the application of such overseers or guardians, by order in writing under their hand to direct that such sum of money, salary, or balance, so far as the same shall extend, or a sufficient part thereof, shall be retained and applied for the use of such parish or union by such overseers or guardians, in payment or part payment of any such penalty; and such order shall be a good and valid discharge to such overseers or guardians for so much money as may by such order be directed to be so retained and applied against the claim or demand of the master or other officer of such workhouse in respect of any such sum of money, salary, or balance.

xciv. That the master of every workhouse shall cause one or more copy or copies of the two preceding clauses to be printed or fairly written, and hung up in one of the most public places of such workhouse, and renew the same from time to time, so that it be always kept fair and legible, on pain of forfeiting the sum of 10*l.* for every wilful default.

xcv. That in case any overseer, assistant overseer, master of a workhouse, or other officer of any parish or union, shall wilfully disobey the legal and reasonable orders of such Justices and guardians in carrying the rules, orders, and regulations of the said Commissioners or Assistant Commissioners, or the provisions of this Act, into execution, every such offender shall, upon conviction before any two Justices, forfeit and pay for every such offence any sum not exceeding 5*l.*

xcvi. Provided and be it enacted, that no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such Justices or guardians, any law or statute to the contrary notwithstanding.

xcvii. That if any overseer, assistant overseer, master of a workhouse, or other paid officer, or any other person employed by or under the authority of the said guardians, shall purloin, embezzle, or wilfully waste or misapply any of the monies, goods, or chattels belonging to any parish or union, every such offender shall, besides and in addition to such pains and penalties as such person so offending shall, independently of this Act, be liable to, upon conviction before any two Justices, forfeit and pay for every such offence any sum not exceeding 20*l.*, and also treble the amount or value of such money, goods, or chattels so purloined, embezzled, wasted, or misapplied; and every person so convicted shall be for ever thereafter incapable of serving any office under the provisions of this or any other Act in relation to the relief of the poor.

XCIII. That in case any person shall wilfully neglect or disobey any of the rules, orders, or regulations of the said Commissioners or Assistant Commissioners, or be guilty of any contempt of the said Commissioners sitting as a board, such person shall, upon conviction before any two Justices, forfeit and pay for the first offence any sum not exceeding 5*l*., for the second offence any sum not exceeding 20*l*., nor less than 5*l*., and in the event of such person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor, and such offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than 20*l*., and suffer such imprisonment, with or without hard labour, as may be awarded against him by the Court by or before which he shall be tried and convicted.

XCIX. That all penalties and forfeitures by this Act inflicted or authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any two Justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such Justices are in every case hereby fully authorized to administer,) or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of the Justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any two Justices acting for the county, riding, or division (which warrant such Justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such Justices as aforesaid, for his or their appearance before such Justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said Justices as aforesaid are hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to remain, without bail or mainprize, for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the poor rate of such parish or union.

C. That no owner of property, rate-payer, or inhabitant of any parish or union shall be deemed an incompetent witness in any proceeding for the recovery of any penalty or forfeiture inflicted or imposed for any offence against this Act, notwithstanding such penalty or forfeiture, when recovered, shall be applicable in aid of the poor rate of such parish or union.

CI. That in all cases in which any penalty or forfeiture is recoverable before the Justices of the Peace under this Act it shall and may be lawful for any Commissioner or Assistant Commissioner, or any Justice, to whom complaint in writing shall be made of any such offence, to summon the party complained against to appear before any two Justices, and on such summons the said two Justices may hear and determine the matter of such complaint, and on proof of the offence convict the offender, and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same.

CII. That where any distress shall be made for any sum of money to be levied by virtue of this Act the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity which shall afterwards happen in making the distress, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: Provided always, that no plaintiff shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made, by or on behalf of the party who shall have committed or caused to be committed any such irregularity, trespass, or wrongful proceedings, before such action shall have been brought; and in case no such tender shall have been made it shall and may be lawful for the defendant in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings, or orders and judgment, shall be had, made, and given in and by such Court as in other actions where the defendant is allowed to pay money into court.

CIII. It is provided and enacted, That if any person or persons shall find himself, herself, or themselves aggrieved by any order or conviction of any Justice or Justices, where such person or persons shall be convicted in any penalty or penalties exceeding 5*l*., or if any person shall find himself aggrieved by any order made under the provisions of this Act on such person as the putative father of any bastard child, it shall be lawful for such person or persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the county, riding, or division in which such order shall have been made or conviction taken place within four calendar months next after the cause of complaint shall have arisen, or if such Sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet; which order shall be final and conclusive to and upon all parties; provided that the person or persons so appealing shall give or cause to be given at least fourteen days notice in writing of his, her, or their intention of appealing as aforesaid, and of the matter or cause thereof, to the respondent or respondents, and within five days after such notice shall enter into a recognizance before some Justice of the Peace, with sufficient securities, conditioned to try such appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the Justices at such Quarter Sessions, or any adjournment thereof; and such Justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

CV. That no action or suit shall be commenced against any Commissioner, Assistant Commissioner, or any other person for anything done in pursuance of or under the authority of this Act until twenty-one days notice has been given thereof in writing to the party or person against whom such action is intended to be brought, nor after sufficient satisfaction or tender thereof shall have been made to the party aggrieved, nor after three calendar months next after the Act committed for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this Act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before twenty-one days notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid such defendant shall have costs, charges, and expenses as between attorney and client, and shall have such remedy for recovering the same as any defendant may have for his or her costs in any other case by law.

CVI. That no rule, order, or regulation of the said Commissioners or Assistant Commissioners, or any of them, shall be removed or removable by writ of certiorari into any court of record, except His Majesty's Court of King's Bench at Westminster; and that every rule, order, or regulation which shall be removed by writ of certiorari into the said Court of King's Bench shall nevertheless, unless and until the same shall be declared illegal by that Court, continue in full force and virtue, and be obeyed, performed, and enforced, in such and the same manner, and by such and the same ways and means, as if the same had not been so removed.

CVII. That no application shall be made for any writ of certiorari for the removal of any such rule, order, or regulation, except to the Judges when sitting in the said court, nor unless notice in writing shall have been left at the office of the said Commissioners at least ten days previous to such application being made, and in which notice shall be set forth the name and description of the party by or on behalf of whom and the day on which it is intended to make such application, together with a statement of the grounds thereof; and thereupon it shall be lawful for the said Commissioners to shew cause in the first instance against such application, and the Court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the grounds set forth in such notice.

CVIII. That previous to any writ of certiorari being issued the party or parties applying for the same shall enter into a recognizance, with sufficient sureties, before one of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the county or place in which such person shall reside, in the sum of 50*l.*, with condition to prosecute the same, at his or their costs and charges, with effect, without any wilful or affected delay, and in default thereof, or in the event of such rule, order, or regulation being deemed legal, to pay the said Commissioners their full costs, charges, and expenses, to be taxed according to the course of the said Court of King's Bench; and if the said rule, order, or regulation, so removed by the said writ of certiorari into the said Court of King's Bench, shall be declared legal by the said Court, the Commissioners entitled to such costs, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, may recover the same in the same manner as any penalties and forfeitures are recoverable under this Act.

CX. That if upon the hearing of the application the Court shall order a writ of certiorari to issue for bringing up any such rule, order, or regulation, and the same, being brought into court, shall be quashed as illegal, the said Commissioners shall forthwith notify the judgment of the Court to all unions, parishes, or places to which such rule, order, or regulation shall have been directed, and the same shall from the time of receiving such notice respectively be deemed and taken to be null and void to all intents and purposes whatsoever: Provided that such judgment shall not have the effect of annulling any contracts made in pursuance or upon the authority of any such rule, order, or regulation which at the receipt of such notice respectively shall have been executed by either of the contracting parties: Provided also, that no person shall be liable to be prosecuted, either by indictment or by civil action, for or in respect of any act done by him before the receipt of such notice, under the authority and in pursuance of such rule, order, or regulation.

CXI. That in the construction of this Act the word "Auditor" shall be construed to mean and include every person, other than Justices of the Peace acting in virtue of their office, appointed or empowered to audit, controul, examine, allow, or disallow the accounts of any guardian, overseer, or vestrymen relating to the receipt or expenditure of the poor rate: the words "General Rule" shall be construed to mean any rule relating to the management of the poor or to the execution of this Act which shall at the time of issuing the same be addressed by the said Commissioners to more than one union, or to more parishes or places than one not forming a union, or not to be formed into or added to a union under or by virtue of such rule; the word "Guardian" shall be construed to mean and include any visitor, governor, director, manager, acting guardian, vestryman, or other officer in a parish or union, appointed or entitled to act as a manager of the poor, and in the distribution or ordering of the relief to the poor from the poor rate, under any general or local Act of Parliament; the words "Justice or Justices of the Peace" shall be construed to include Justices of the Peace of any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate, unless where otherwise provided by this Act; the word "Oath" shall be construed to include the affirmation of a Quaker, Separatist or Moravian; the words "Orders and Regulations" shall be construed to mean and include any rule, order, regulation, or bye-law relating to the management or relief of the poor, or the execution of this Act, which at the time of issuing the same shall be addressed, directed, or applied to any one parish or union, or to any number of parishes which have been or by virtue of any order shall be constituted a union or added to a union; the word "Officer" shall be construed to extend to any clergyman, schoolmaster, person duly licensed to practise as a medical man, vestry clerk, treasurer, collector, assistant overseer, governor, master or mistress of a workhouse, or any other person who shall be employed in any parish or union in carrying this Act or the laws for the relief of the poor into execution, and whether performing one or more of the above-mentioned functions; the word "Overseer" shall

be construed to mean and include overseers of the poor, churchwardens, so far as they are authorized or required by law to act in the management or relief of the poor, or in the collection or distribution of the poor rate, assistant overseer, or any other subordinate officer, whether paid or unpaid, in any parish or union, who shall be employed therein in carrying this Act or the laws for the relief of the poor into execution; the word "Owner" shall be construed to include any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him at rack rent, or any person receiving the rack rent of any such property, either on his own account or as mortgagee or other incumbrancer in possession; and the words "Rack Rent" shall be construed to mean any rent which shall not be less than two thirds of the full improved net annual value of any property; the word "Parish" shall be construed to include any parish, city, borough, town, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place, or division or district of a place maintaining its own poor, whether parochial or extra-parochial; the word "Person" shall be construed to include any body politic, corporate, or collegiate, aggregate or sole, as well as any individual; the word "Poor" shall be construed to include any pauper or poor or indigent person applying for or receiving relief from the poor rate in England or Wales, or chargeable thereto; the words "Poor Law," or "Laws for the Relief of the Poor," shall be construed to include every Act of Parliament for the time being in force for the relief or management of the poor, or relating to the execution of the same, or the administration of such relief; the words "Poor Rate" shall be construed to include any rate, rate in aid, mulct, cess, assessment, collection, levy, ley, subscription, or contribution raised, assessed, imposed, levied, collected, or disbursed for the relief of the poor in any parish or union; that the words "General Quarter Sessions" shall extend to and be construed to include general or quarter sessions, or adjournment thereof for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port, or town corporate, unless where otherwise provided by this Act; the word "Union" shall be construed to include any number of parishes united for any purpose whatever under the provisions of this Act, or incorporated under the said Act passed in the 22 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' or incorporated for the relief or maintenance of the poor under any local Act; the words "United Workhouse" shall be construed to mean and include any workhouse of a union; the word "Vestry" shall be construed to mean any open, customary, or select vestry, or any meeting of inhabitants convened by any notice such as would have been required for the assembling of a meeting in vestry, at which meeting any business relating to the poor or the poor rate shall be transacted or taken into consideration, so far as such business is concerned; the word "Workhouse" shall be construed to include any house in which the poor of any parish or union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expense of the poor rate, by any parish, vestry, guardian, or overseer, for the reception, employment, classification, or relief of any poor person therein at the expense of such parish; and wherever in this Act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

cx. That this Act may be altered, amended, or repealed in this present session of Parliament.

ON the 23rd of August 1834 the Right Hon. THOMAS FRANKLAND LEWIS, JOHN GEORGE SHAW LE FEVRE, Esq., and GEORGE NICHOLLS, Esq., having, pursuant to the Act 4 & 5 Will. 4. c. 76, been duly appointed to the office of Poor Law Commissioners, previous to their entering on the execution of the office, took the oath required by the Act, before SIR EDWARD ALDERSON, Knight, one of the Barons of the Exchequer, at his house in Park Crescent. They afterwards appointed EDWIN CHADWICK, Esq., of the Inner Temple, Barrister-at-Law, to be Secretary to the Commission. The Board further ordered, that a copy of the following letter should be advertised in each of the London daily papers, to prevent the inconvenience which might result to any parish from unavoidable delays in the due transmission thereof; it being the intention of the Commissioners to send forthwith a copy of such letter and of the Act of Parliament to the parish officers of each parish in England and Wales.

Office of the Poor Law Commissioners,
August 26, 1834.

To the Churchwardens and Overseers charged with the Relief of the Poor.

Gentlemen,—I am directed by the Board of Poor Law Commissioners for England and Wales to transmit to you a copy of the Act of the 4th and 5th William IV. c. 76, for the Amendment and better Administration of the Laws for the Relief of the Poor in England and Wales; and His Majesty's Commissioners request your immediate and careful attention to its provisions.

The attention of the Board having been particularly directed to the operation of the 52nd and 54th clauses of the Act, the Commissioners feel themselves called upon to point out that the Boards of Guardians, Select Vestries, and other district or parochial officers acting in the administration of parochial affairs under any local Act, and also the Churchwardens and Overseers charged with the relief of the poor in any place where there is no Board of Guardians, Select Vestry, or other similar body constituted by any local Act, are to continue to administer the existing laws for the relief of the poor of the parish or place for which they act; and that, subject to the provisions of the Poor Law Amendment Act, the general transaction of parochial business should (with strict attention to economy, and as far as the same is duly authorized by law) be continued in the accustomed course until the rules, orders, and regulations which the Commissioners are authorized to make, shall have been duly prepared and promulgated.

In reference to the change in the law which is effected by the 54th clause, the Commissioners are desirous that the Boards of Guardians, Select Vestries, and other similar bodies, should take into their immediate consideration the expediency of adopting such measures (either by establishing rotas or otherwise) as may appear to them best adapted for securing frequent and regular attendances for the ordering and directing of the necessary relief to the poor.

I am further directed to recommend to your especial notice the enactments with relation to contracts for supplies of goods for the use of the poor, and to suggest to you, for the avoidance of future inconvenience and pecuniary loss, that in case of the renewal of any contract on behalf of your parish now about to cease, you should cause to be inserted a clause to the following effect:—"That the said contract or agreement shall be liable to be altered or amended in case any alteration or amendment be rendered necessary by any rule, order, or regulation of the Poor Law Commissioners for England and Wales, during the period that such contract or agreement would otherwise remain in force."

I am directed also to request your attention to the clause respecting the appointment of paid officers ; and to inform you that any appointments now about to cease can only be renewed, and that any new appointment can only be made, subject to such regulations as the Central Board may hereafter provide for the more uniform, correct, and efficient performance of the public service by such officers.

The Board consider it to be desirable that you should submit this letter to a vestry meeting, or a meeting of the Board of Guardians, or such body as may be charged with the administration of relief in your parish, and state to them—

That the Commissioners are desirous of receiving from them, or from yourselves, information of the existence in your parish of any evils, for the removal of which it is considered that the powers intrusted to the Board may be rendered available. And although the Board is exempted from the duty of interference in the cases of any particular individuals, yet they may be properly informed of any such cases where it is one of many similar cases, or illustrative of a common practice.

That the Commissioners are also desirous of receiving full information of any improvement which may have been adopted in the mode of administering relief in your parish.

And as it is highly important that the Commissioners should be immediately made acquainted with the present state of your parish, in common with that of the other parishes throughout the country, you are requested to prepare, as speedily as possible, answers to the questions herewith transmitted.

I have the honour to be, Gentlemen,

Your very obedient servant,

EDWIN CHADWICK, Sec.

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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

4 & 5 WILLIAM IV.

- i. An Act to empower the Liverpool Oil Gas Light Company to produce Gas from Coal and other Materials, and to amend the Act relating to the said Company.
- ii. An Act to alter, amend, and enlarge the Powers of an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act for making and maintaining a Railway or Tramroad from or near the city of Bristol to Coalpit Heath in the parish of Westerleigh in the county of Gloucester.'
- iii. An Act to enlarge and amend the Powers and Provisions of an Act relating to the St. Helen's and Runcorn Gap Railway Company.
- iv. An Act for building a Bridge over Stoke otherwise Haslar Lake, which separates Gosport from Haslar, both in the parish of Alverstoke in the county of Southampton, and for making Approaches thereto.
- v. An Act for better assessing the Poor and other Rates on small Tenements within the parish of Sculcoates in the East Riding of the county of York.
- vi. An Act to repeal an Act passed for better assessing and recovering the Poor and other Rates upon small Tenements within the parish of Liverpool in the county palatine of Lancaster.
- vii. An Act to alter, amend, enlarge, and extend the Powers and Provisions of an Act for enabling the Company of Proprietors of Lambeth Waterworks to supply the Inhabitants of the parish of Lambeth and Parts adjacent in the county of Surrey with Water.
- viii. An Act for removing the Markets held in the High and Fore Street and other Places within the city of Exeter, and for providing other Markets in lieu thereof.
- ix. An Act for enabling the Ocean Assurance Company to sue and be sued in the Name of the Chairman for the time being, or of any one of the Directors of the said Company.
- x. An Act for more effectually repairing and maintaining the Road from Crouch Hill in the parish of Henfield to Ubley's Corner in the parish of Albourne, and from the King's Head Inn in Albourne, through the town of Hurstperpoint, to the Cross Roads in the town of Ditcheling; and also for making and maintaining a Branch of Road from the town of Hurstperpoint to Poynings Common, all in the county of Sussex.
- xi. An Act for making a Turnpike Road from Minsterley in the county of Salop to the Turnpike Road leading from Bishop's Castle in the said county of Salop to Churchstoke in the county of Montgomery.
- xii. An Act to enable the Company of Proprietors of the Calder and Hebble Navigation to improve their Navigation, and to amend the Acts relating thereto.
- xiii. An Act for extending the Approaches to London Bridge, and amending the Acts relating thereto.
- xiv. An Act for granting certain Powers to the New Brunswick and Nova Scotia Land Company.
- xv. An Act for granting certain Powers to "The British American Land Company."
- xvi. An Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the Streets and other public Passages and Places within the borough of Dorchester in the county of Dorset, and the Tithing of Colliton Row in the town of Dorchester aforesaid.
- xvii. An Act to alter, amend, and enlarge the Powers of an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act for supplying the city and suburbs of Limerick in the county of the city of Limerick with Water.'
- xviii. An Act for better supplying with Water the town and county of the town of Newcastle-upon-Tyne, and the Neighbourhood thereof.
- xix. An Act to alter, amend, and enlarge the Powers of an Act passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled, 'An Act for empowering the Marquis of Bute to make and maintain a Ship Canal commencing near the Mouth of the River Taff in the county of Glamorgan, and terminating near the town of Cardiff, and other Works to communicate therewith.'
- xx. An Act for enabling the Company of Proprietors of the Western Branch of the Montgomeryshire Canal to effect an Agreement with William Pugh of Bryan Llywarch in the county of Montgomery, Esquire; and for securing certain Monies advanced and paid by the said William Pugh and others to or for the Use of the said Company.
- xxi. An Act to enable the Birmingham and Liverpool Junction Canal Navigation Company to raise a further Sum of Money.
- xxii. An Act to continue the Term and to alter and amend the Powers of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, for taking down and rebuilding Folly Bridge otherwise Friars Bridge, across the River Isis, in or near the city of Oxford.
- xxiii. An Act for uniting into One Parish the parishes of St. John the Baptist and St. Benedict in the town of Glastonbury in the county of Somerset.
- xxiv. An Act to incorporate a Company for better supplying with Gas the town of Cambridge in the county of Cambridge.
- xxv. An Act for uniting the Wigan Branch Railway Company and the Preston and Wigan Railway Company; for authorizing an Alteration to be made in the Line of the last-mentioned Railway; and for repealing, altering, and amending the Acts relating to the said Railways.
- xxvi. An Act for making and maintaining a Railway from Blaydon to Hebburn, with Six Branches thereof, all within the county palatine of Durham.
- xxvii. An Act for enabling the Dublin and Kingstown Railway Company to make an Extension of their present Line of Railway, and for altering and amending the Act for making the said Railway.
- xxviii. An Act for repairing and improving the Second District of the Road from Colehill, through the city of Lichfield and the town of Stone, to the End of the county of Stafford in the Road leading towards Chestor, and making

- a new Branch thereto; and also to annex to and consolidate therewith the Turnpike Road from Rugeley, through Armitage, to Alrewas in the county of Stafford.*
- xxix. An Act for more effectually amending, widening, and repairing the Road from Yarmouth Bridge, through the hamlet of Southtown otherwise Little Yarmouth, to Gorleston in the county of Suffolk.*
- xxx. An Act for the better Maintenance, Improvement, and Repair of the Road from Livingston, by Shotts, to the city of Glasgow, and the making and maintaining certain Roads connected therewith.*
- xxxi. An Act for improving and maintaining certain Roads in the counties of Montgomery, Merioneth, Salop, and Denbigh.*
- xxxii. An Act for repairing and maintaining the Road from Quebec in the parish of Leeds in the West Riding of the county of York, to Homefield Lane End in the same parish, with a Bridge or Bridges on the Line of such Road; and for making and maintaining certain Branch Roads to communicate therewith.*
- xxxiii. An Act for lighting with Gas the town or borough of Bridgewater in the county of Somerset, and suburbs of the said town or borough.*
- xxxiv. An Act to repeal an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act for enabling the Alliance Marine Assurance Company to sue and be sued in the Name of the Chairmen for the Time being, or of any other Member of the Company,' and for granting certain Powers to the said Company instead thereof.*
- xxxv. An Act to enable the Proprietors or Shareholders in a Company or Association styled "The United Kingdom Life Assurance Company" to sue and be sued in the Name of One of their Directors, or Secretary.*
- xxxvi. An Act to enable "The Suffolk and General Country Amicable Insurance Office" to sue and be sued in the Name of One of their Treasurers, or of any One of their Directors, and for other Purposes relating thereto.*
- xxxvii. An Act to amend an Act of the Fifty-fourth Year of King George the Third, for enabling "The West of England Fire and Life Insurance Company" to sue and be sued in the Name of their Secretary, and to give further Powers to the said Company.*
- xxxviii. An Act to incorporate the Subscribers to St. George's Hospital at Hyde Park Corner, and for better enabling them to carry on their charitable Designs.*
- xxxix. An Act to alter and amend an Act of the Ninth Year of the Reign of His late Majesty, intituled, 'An Act for more effectually repairing several Roads leading through the county of Selkirk, and for better making and repairing the said Roads, and other Roads in the said county and in the Vicinity thereof.'*
- xl. An Act to repeal an Act of the Forty-ninth Year of King George the Third, for the more easy and speedy Recovery of Small Debts within the parish of Merthyr Tydfil and other Places therein mentioned, in the counties of Glamorgan, Brecon, and Monmouth.*
- xli. An Act for extending the Time for completing the Wishaw and Coltness Railway in the county of Lanark.*
- xlii. An Act for better supplying the borough of Dudley in the county of Worcester, and the Neighbourhood thereof, with Water.*
- xliii. An Act for improving the Port and Harbour of Aberavon in the county of Glamorgan.*
- xliiv. An Act to provide for lighting the Suburbs of the city of Gloucester with Gas.*
- xli. An Act for erecting, establishing, and maintaining a Market in the parish of St. George the Martyr in the borough of Southwark in the county of Surrey.*
- xlii. An Act for building a Bridge over the Water from the town and county of the town of Poole to the parish of Hamworthy in the county of Dorset, with an Approach thereto.*
- xliiii. An Act for lighting, watching, cleansing, paving, and otherwise improving the town of Chippenham in the county of Wilts.*
- xliiii. An Act for preserving and maintaining the Piers and Harbour of Cromarty.*
- xlix. An Act for removing the Markets held in the town and borough of Monmouth in the county of Monmouth, and for providing other Market Places in lieu thereof.*
- l. An Act to amend Two Acts passed in the Ninth and Tenth Years of His late Majesty King George the Fourth, for building a Bridge over the River Thames at Staines in the county of Middlesex, and for making proper Approaches thereto.*
- li. An Act for deepening, extending, and improving the Navigation of the River Dart, from Totnes Bridge to Langham Wood Point in the county of Devon.*
- lii. An Act for better lighting the city of Gloucester and its Suburbs with Gas, and for enlarging the Capital of the Gloucester Gas Light Company.*
- liii. An Act for making a navigable Canal from the Bridgewater and Taunton Canal in the parish of Creech St. Michael in the county of Somerset, and terminating in the parish of Chard in the same county, with a collateral Cut therein described.*
- liv. An Act to enable the Gloucester and Berkeley Canal Company to take Water from the River Frome, and to alter and enlarge the Powers of the several Acts for making and maintaining the said Canal.*
- lv. An Act to enable the Grand Junction Railway Company to alter and extend the Line of such Railway, and to make a Branch therefrom to Wolverhampton in the county of Stafford; and for other Purposes relating thereto.*
- lvi. An Act to enable the Hartlepool Dock and Railway Company to make a new Branch of Railway to the city of Durham; and for amending an Act of the Second Year of His present Majesty, relative to the Hartlepool Railway.*
- lvii. An Act for making and maintaining a Railway from the Hartlepool Railway near to Moorsley, to the Stanhope and Tyne Railroad in the township of Usworth, all in the county of Durham.*
- lviii. An Act to alter and amend an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, for paving, lighting, watching, and otherwise improving Grosvenor Place, and several Streets and other public Places in the parishes of St. George Hanover Square and St. Luke Chelsea in the county of Middlesex.*
- lix. An Act for repairing and maintaining the Road from Stafford to Church Bridge, and the Road from Stafford to Uttoxeter, in the county of Stafford, and also the Road from Stafford to Newport in the county of Salop.*
- lx. An Act for more effectually repairing certain Roads from Scaddow Gate in the parish of Ticknall to the Burton-upon-Trent and Aaby Road, and for making new Branches of Road, in the counties of Derby and Leicester.*
- lxi. An Act for more effectually making, amending, widening, repairing, and maintaining certain Roads and Bridges in the counties of Dumfries and Stirling.*
- lxii. An Act for supplying with Water the Inhabitants of the town and parish of Bightonhamston, and the parishes of Hove and Preston, in the county of Sussex.*
- lxiii. An Act for more effectually draining and preserving certain Fen Lands and Low Grounds in the parishes of Stoke Ferry, Northwold, Wretton, Wersham, West Dereham, Roxham, Fordham, Denver, Downham Market, Wimbotsham, and Stow Bardolph in the county of Norfolk.*

- lxiv. An Act for embanking, draining, and otherwise improving Lands in the parishes of Holbeach and Gedney in the county of Lincoln.
- lxv. An Act for establishing a general Cemetery in the Neighbourhood of the city of Dublin.
- lxvi. An Act for establishing a Market within the town of Fishguard in the county of Pembroke.
- lxvii. An Act to alter and amend an Act passed in the Eleventh Year of the Reign of His late Majesty and First Year of the Reign of His present Majesty, intituled, 'An Act for enlarging, improving, and maintaining the Port and Harbour of Perth, for improving the Navigation of the River Tay to the said city, and for other Purposes therewith connected.'
- lxviii. An Act for making and maintaining a Railway from Hayle in the parish of St. Erth in the county of Cornwall to Tresavean Mine in the parish of Gwennap in the said county, with several Branches therefrom.
- lxix. An Act to encourage the working of Mines and Quarries in Ireland, and to regulate a Joint Stock Company for that Purpose, to be called "The West Cork Mining Company."
- lxx. An Act to enable the Carmarthenshire Railway or Tramroad Company to raise a further Sum of Money, and to amend the Act relating to the said Company.
- lxxi. An Act to enable the Edinburgh and Dalkeith Railway Company to make a Branch from the said Railway to the town of Dalkeith, and to extend the Leith Branch of the said Railway, and for other Purposes relating thereto.
- lxxii. An Act for making and for more effectually maintaining and repairing certain Roads in the county of Lanark, and for building a Bridge over the River Clyde at Crossford in the said county.
- lxxiii. An Act for more effectually repairing certain Roads from Kingsbridge to Dartmouth, and for making new Branches to and from the same, all in the county of Devon.
- lxxiv. An Act for amending, varying the Tolls, and extending the Term of an Act of the Fifty-ninth Year of His late Majesty King George the Third, for amending and keeping in repair the Mail Coach Road leading from Banbridge in the county of Down to Belfast in the county of Antrim.
- lxxv. An Act for making the hamlet of Hammersmith within the parish of Fulham in the county of Middlesex a distinct and separate parish; and for converting the Perpetual Curacy of the Church of St. Paul Hammersmith into a Vicarage, and for the Endowment thereof.
- lxxvi. An Act for continuing certain Acts for regulating the Police of the city of Edinburgh and the adjoining Districts, and for other Purposes relating thereto.
- lxxvii. An Act for more effectually enforcing the due Execution of the Office of Constable in the city of London and Liberties thereof.
- lxxviii. An Act to alter, amend, enlarge, and extend the Powers and Provisions of several Acts for enabling the Company of Proprietors of the South London Waterworks to supply the Inhabitants of the parish of St. Giles Camberwell and Parts of the parish of St. Mary's Lambeth, and several other parishes and places in the county of Surrey, with Water; and to enable the said Company to supply the Inhabitants of the several parishes of St. Mary Lambeth, St. Mary Newington, St. George the Martyr, St. Saviour, St. John, St. Thomas, St. Olave, and Christchurch, all in the said county, with Water.
- lxxix. An Act for better supplying with Water the borough of Southwark, and parishes and places in the county of Surrey near thereto.
- lxxx. An Act for erecting and maintaining a new Gaol and Court House and other Offices for the burgh of Elgin and the county of Elgin and Forres; and for erecting and maintaining a new Gaol and Court House and other Offices for the burgh of Forres; and for other Purposes relating thereto.
- lxxxi. An Act for erecting and maintaining a Gaol for the Royal Burgh of Dundee in the county of Forfar.
- lxxxii. An Act to amend and enlarge the Powers of an Act passed in the Second Year of the Reign of His present Majesty, intituled, 'An Act for granting certain Powers to a Company called "The General Steam Navigation Company."'
- lxxxiii. An Act for taking down and removing Old Stratford Bridge over the River Ouse in the counties of Buckingham and Northampton, and for erecting a more commodious Bridge in lieu thereof.
- lxxxiv. An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled, 'An Act for the Erection of a Bridge across the River Shannon, and of a Floating Dock to accommodate sharp Vessels frequenting the Port of Limerick.'
- lxxxv. An Act for establishing a Floating Bridge over the River Itchen from or near a Place called Cross House, within the Liberties of the town of Southampton, to the opposite Shore in the county of Southampton, with proper Approaches thereto, and for making Roads to communicate therewith.
- lxxxvi. An Act for constructing and maintaining a new Harbour at Stotfield Point, near to and in conjunction with the old Harbour of Looismouth in the county of Elgin and Forres.
- lxxxvii. An Act to extend the Powers of the several Acts now in force for improving the Port and Harbour of Boston in the county of Lincoln.
- lxxxviii. An Act for making a Railway from London to Southampton.
- lxxxix. An Act to continue, alter, and amend an Act of the Fourth Year of the Reign of His late Majesty King George the Fourth, for more effectually repairing and improving the Middlesex and Essex Turnpike Roads; to provide for the rebuilding of Bow Bridge in the counties of Middlesex and Essex, the improving of the several other Bridges upon the said Roads, and for other Purposes relating thereto.
- xc. An Act for paving, watching, lighting, regulating, and otherwise improving the town of Kingstown in the county of Dublin.
- xc. An Act for regulating and converting the Statute Labour in the Stewartry or Sherifdom of Orkney, and for more effectually making, repairing, and maintaining the High Roads and Bridges within the same.
- xcii. An Act for amending the Proceedings and Practice of the Court of Passage of the borough of Liverpool in the county palatine of Lancaster.
- xciii. An Act to amend and explain an Act passed in the First Year of His present Majesty, for establishing and maintaining the Harbour of Port Crommelin in the Bay of Cushendun in the county of Antrim.
- xciv. An Act for making, improving, and keeping in repair the Roads leading from Barrington to Campesfield and Easlow Bridge in the county of Oxford.
- xcv. An Act for better paving, cleansing, lighting, and improving the Waterside Division of the parish of St. Mary Magdalen, Bermondsey, in the county of Surrey.
- xcvi. An Act for incorporating certain Persons for the Carriage of Goods and Commodities by means of a Railway from the city of Durham to Sunderland near the Sea, with a Branch to join the Hartlepool Railway in the township of Haswell, all in the county of Durham.

PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

4 & 5 WILLIAM IV.

1. An Act for amending an Act of the Eleventh Year of the Reign of His late Majesty King George the Fourth, intitled, 'An Act for inclosing Lands in the Tithings of Arle and Arleston otherwise Allstone in the parish of Cheltenham in the county of Gloucester, and for discharging from Tithe Lands in the said Tithings.'
2. An Act for inclosing Lands in the parish of Tiebury in the county of Wilts, and for dividing the said parish into three parishes.
3. An Act for inclosing Lands in the parish of Great Shelford in the county of Cambridge, and for commuting the Tithes of the said parish.
4. An Act for inclosing Lands in the parish of Duntaborne Ross in the county of Gloucester, and for exonerating from Tithe the Lands in the said parish.
5. An Act to effect a Partition of the Advowson of the Vicarage and Parish Church of Cockerham in the county palatine of Lancaster, and to confirm the sale of the next Turn or Right of Presentation thereto.
6. An Act for more effectually vesting in the Feoffees acting under the Will of Isaac Bowcock certain Estates in the county of York, held for certain charitable Uses applicable within the parish of Keighley in the said county, and for confirming certain Leases, Covenants, and Contracts of Sale already made as to Parts of such Estates, and authorizing the granting of Building Leases and the Sale of other Parts of such Estates.
7. An Act for enabling the Dean and Chapter of the Cathedral Church of Saint Paul London, and their Successors, to grant Licences for building upon and improving the Copyholds within the Manor of Sutton Court in the parish of Chiewick in the county of Middlesex, and to grant Licences to demise such Copyholds for those Purposes, and to fix the Fines payable upon Admission to the same during limited Periods.
8. An Act for vesting Estates belonging to Eleanora Anne Julia Hunt Grubbe Spinster, an Infant, in Trustees for Sale, and for laying out the Money arising from such Sale, under the Direction of the High Court of Chancery, in the Purchase of other Estates, and for granting Leases of the Estates to be purchased; and for other Purposes.
9. An Act to commute for a Corn Rent certain Tithes within the Parish of Kirkby Lonsdale in the county of Westmoreland.
10. An Act for inclosing Lands in the parish of Dalwood in the county of Dorset.
11. An Act for inclosing Lands in the parish of Middleton in Tenedale in the county of Durham.
12. An Act for dividing, allotting, inclosing, and otherwise improving the Open Fields, Commons, and Waste Lands in the Liberty of Kirk Langley in the county of Derby.
13. An Act for inclosing and exonerating from Tithe Lands in the parish of Colmworth in the county of Bedford.
14. An Act for inclosing, dividing, and allotting the Commons, Drovers, Banks, and Waste Lands in the parish of Elm in the Isle of Ely in the county of Cambridge.
15. An Act for inclosing Lands within the townships of Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford, all in the parish of Alstonefield in the county of Stafford.
16. An Act for inclosing Lands in the parish of Chipstable in the county of Somerset.
17. An Act to amend the Corn Rent Schedules annexed to the Award made in pursuance of an Act of the Fifty-second Year of the Reign of His late Majesty King George the Third, for inclosing Lands in the parish of Longney in the county of Gloucester.
18. An Act to commute for a Corn Rent the Tithes and Dues payable to the Rectors and Vicar of the parish of Kendal otherwise Kirkby Kendal in the county of Westmoreland.
19. An Act for confirming and carrying into effect a Partition and Division of the Real and Personal Estates of William Molyneux Esquire, deceased, and for other Purposes therein mentioned.
20. An Act for facilitating the Proof of the Will of the Right Honourable Charles Henry Coote late Earl of Mountrath in certain Actions in Ireland.
21. An Act to enable the Trustees of Hugh Montgomerie of Skelmorlie, Earl of Eglinton, deceased, to sell a Part of the Trust Estates, in order to extinguish the Debts left by the said Earl which affect or may be made to affect the said Estates.
22. An Act for settling and securing the Lands of Potterfield, and Parts of the Lands, Lordship, and Barony of Elphinstone, in the county of Stirling, to and in favour of George Earl of Dunmore and the Series of Heirs entitled to succeed under a Deed of Entail made by the Trustees of John Earl of Dunmore deceased, and under the Conditions and Limitations contained therein, and for vesting in lieu thereof the Lands of Carrick, Innermuck, and others, in the county of Argyll, in the said George Earl of Dunmore and his Heirs and Assignees in Fee Simple.
23. An Act to enable the Trustees of George Viscount Keith deceased to sell certain Lands vested in them in Trust, and purchase with the Price thereof the Lands of Burnbrae:

- and to empower the Heir of Entail of the said Lands of Burnbrae to dispose of the same; and for investing the Price thereof in other Lands, to be entailed to the same Series of Heirs.
24. An Act to grant further Powers of lessing part of the Estates devised by and purchased pursuant to the Will of Sir John Aubrey Baronet, deceased.
25. An Act for vesting Part of the Settled Estates in the county of York devised by the Will of Henry Peirse Esquire, deceased, in Trustees, upon Trust to sell, and to apply the Monies arising therefrom, under the Direction of the High Court of Chancery, in the Purchase of other Estates to be settled to the same uses, with Power to pay off Incumbrances.
26. An Act for exonerating Estates in the counties of Somerset and Devon comprised in the Marriage Settlement of Sir John Palmer Acland Baronet, deceased, from the Jointure or Rent-charge thereby limited to Dame Sarah Maria Palmer Acland his Widow, during her Life, and for charging other Estates in the county of Somerset devised and directed to be purchased by the Will of the said Sir John Palmer Acland with the Payment thereof.
27. An Act for vesting certain detached Estates devised by the Will of the late Henry Charles Aston Esquire, deceased, in Trustees, upon Trust to raise Money for the Purchase of an Estate called the Dutton Estate, in the county of Chester, and for other Purposes incidental thereto.
28. An Act for effecting an Exchange of certain Parts of the Entailed Estates of the Right Honourable Anthony Adrian Keith Falconer Earl of Kintore, Lord Falconer, of Haulkerton, situated in the counties of Kincardine and Forfar, for certain Lands belonging to Robert Taylor of Kirktonhill, Esquire, situated in the county of Kincardine.
29. An Act for inclosing Lands within the parish and manor of Stanwick in the county of Northampton, and for extinguishing the Tithes therein.
30. An Act for vesting certain Estates situate in the parish of Herne in the county of Kent devised by the Will of Edward Reynolds Esquire, deceased, in Trustees for Sale, and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled to the same Uses.
31. An Act for vesting Part of the Settled Estates of the Most Honourable George Augustus Francis Rawdon Hastings Marquis of Hastings and the Most Honourable Barbara Yelverton Marchioness of Hastings, Baroness Grey de Ruthyn, his Wife, situate in the county of Warwick, in Trustees for Sale, and for laying out the Money arising from such Sale in the Purchase of other Lands, to be settled to the same Uses.
32. An Act for vesting the Estates in the Counties of Surrey and Cornwall devised by the Will of Matthew Russell Esquire, deceased, in Trustees, upon Trust to sell the same, and to lay out the Monies to arise from such Sale in discharging Incumbrances on other Estates settled to the same Uses, or in the Purchase of other Estates, to be settled to the same Uses.
33. An Act to authorize the Sale of Lands settled for the perpetual Augmentation of the Cursy of Oldbury in the county of Salop.
34. An Act for inclosing Commons and Waste Lands within the parishes of Mealfife, Upper Church, and Temple Beg, in the county of Tipperary.
35. An Act for establishing a School on the Site of Honey Lane Market in the city of London.
36. An Act for the Relief of Patrick Richard Blackwood Brady and Richard Blackwood Esquires, in respect of certain Lands and Premises, their Estates, situate in the county of Cavan in Ireland.

PRIVATE ACTS,

NOT PRINTED.

37. An Act to enable James Thomas of Halifax in the county of York, Gentleman, and his Issue, to take and use the Surname and Arms of Berry.
38. An Act for inclosing Lands in the township of Raskelf in the parish of Easingwold in the North Riding of the county of York.
39. An Act for the Naturalization of John Peter Segundo Mousley and Charles Edward Eugene Mousley.
40. An Act for inclosing Lands within the Manors and Tithings of Elwell otherwise Ridgeway and Stottingway within the parish of Upway in the county of Dorset.
41. An Act to dissolve the Marriage of John Allan with Jane his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
42. An Act to enable Frederick Lumley Esquire to take and use the Surname and Arms of Savile.
43. An Act for naturalizing Charles William Francken.
44. An Act to dissolve the Marriage of Isaac John Horlock Esquire with Phebe Horlock his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
45. An Act for naturalizing Arthur Auguste de la Rive of Geneva, and William de la Rive, Jeanne Adele de la Rive, and Charles Lucien de la Rive, his Children.
46. An Act to dissolve the Marriage of Henry Howell with Elizabeth his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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Shewing whether they relate to the Whole or to any Part of the United Kingdom, viz.

<i>E.</i> signifies that the Act relates to	England, (and Wales ; if the Subject extends so far.)
S.	Scotland.
I.	Ireland.
E. & S.	England and Scotland.
E. & I.	England and Ireland.
G.B.	Great Britain.
G.B. & I.	Great Britain and Ireland.
U.K.	The Whole of the United Kingdom.

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A
COMPENDIOUS ABSTRACT
OF THE
PUBLIC GENERAL ACTS

OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND:
5 & 6 WILLIAM IV.—1835;
BEING THE FIRST SESSION OF THE TWELFTH PARLIAMENT
OF SUCH
UNITED KINGDOM.

FROM
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MDCCCXXXV.

ABRIDGMENT
OF THE
PUBLIC GENERAL ACTS,
5 WILLIAM IV.—1835.

CAP. I.

AN ACT to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England and Wales*, so far as relates to the Execution of Criminals in the County of *Chester*.

(20th March 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *The sheriffs of the county of the city of Chester to execute county criminals.*
2. *The Judge before whom any criminal shall be convicted may make an order upon the sheriff of the county to execute such criminals in any place not within his jurisdiction.*

By this Act,

After reciting that by an Act, 1 Will. 4. c. 70, intituled, 'An Act for the more effectual Administration of Justice in *England and Wales*,' the jurisdiction, power, and authority of His Majesty's Court of Session of the county palatine of *Chester*, and of the Judges thereof, was abolished; and it was, among other things, enacted, that the assizes should be held for the trial and despatch of all matters criminal and civil within the county of *Chester*, under and by virtue of commissions of assize, oyer and terminer, gaol delivery, and other writs and commissions to be issued in like manner and form as had been usual for the counties in *England*, and that all laws and statutes then in force relating to the execution of such commissions when issued for counties in *England* should extend and be applied to the execution of the commissions issued for the county of *Chester* under the authority of that Act; and it was provided and enacted, that nothing in that Act contained should be construed to abolish or affect the obligations and duties or the jurisdiction or rights then lawfully imposed upon, performed, or claimed and exercised by the mayor and citizens of *Chester* in the courts of the county of the city of *Chester* or otherwise, save and except that such writs of error or false judgment as might then by any charter or usage of the said corporation be brought upon the judgments of the said courts, or any of them, before any of the courts abolished by that Act, should thereafter be issued, as in other cases, from inferior courts, and be returnable into His Majesty's Court of King's Bench: And whereas before the passing of the said Act the sheriffs of the county of the city of *Chester* were by law liable, and were used and accustomed to execute all criminals convicted and condemned to death and ordered for execution for offences committed within the county palatine of *Chester*: And that since the passing of the said Act the sheriffs of the county of the city of *Chester* have executed criminals convicted for offences committed within the county of *Chester*, and sentenced to death by virtue of commissions issued under the authority of the said Act; but doubts are entertained whether the sentence of death pronounced on criminals for offences committed within the county of *Chester* ought to be executed by the sheriff of the county or by the sheriffs of the county of the city of *Chester*: For the removal therefore of such doubts, and for better effecting the intention of the said Act:—

It is Enacted,

1. That ~~there~~ after the passing of this Act, the sheriffs of the county of the city of *Chester* for the time being shall execute the sentence of death upon all criminals condemned to die for offences committed within the county of *Chester*; and the Judges, ~~may and do~~ named in the commissions of oyer and terminer and gaol delivery issued or from time to time to be issued for the county of *Chester*, shall have full power and authority to make such orders on the constable of the Castle of *Chester* for delivering such criminals to the sheriffs of the county of the city of *Chester*, and on the said sheriffs for the execution of such criminals by the said sheriffs, as such Judges or Judge shall think fit; all which orders the said constable and ~~sheriffs~~ shall be and they are hereby required to obey according to the exigency thereof.

U. Provided, That if at any time it shall seem fit to any Judge before whom any criminal shall be committed, and sentenced to die for any offence committed within the county of Chester, that such criminal should be executed at any place not within the jurisdiction of the sheriffs of the city of Chester, but within the county of Chester, it shall be lawful for such Judge to make any order which he may think fit upon the sheriff of the county of Chester to execute such criminal at such place, and also upon the constable of the castle of Chester to deliver such criminal to the sheriff of the county, and to do and perform, and suffer to be done and performed, all such matters and things as may be necessary for carrying into effect and executing such sentence; and the said sheriff and constable shall be liable and are hereby required to obey all such orders.

CAP. II.

AN ACT to amend an Act of the Thirty-eighth Year of King George the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act.

(10th March 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Persons sued before the passing of this Act for penalties incurred under the recited Act, may apply to the Court or to a Judge to stay proceedings upon certain conditions.
2. Where any action commenced before 4th of March 1835 has been renewed, the Court or Judge may make order for discontinuing it upon payment of costs.
3. Court may make order for discontinuing actions commenced since 4th of March without payment of costs.
4. Not to extend to actions in which judgment obtained, nor to those by Attorney or Solicitor General.
5. Penalties incurred under said Act to go wholly to His Majesty.
6. No actions for penalties to be commenced except in the name of the Attorney or Solicitor General in England, of the King's Advocate in Scotland, or of the Solicitor or Officer of Stamps.
7. Act may be repealed or altered this session.

By this Act,

After reciting that by an Act, 38 Geo. 3. c. 78, intituled, 'An Act for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects,' certain affidavits or affirmations, containing such matters and things in the said Act specified and set forth, relating to newspapers and other papers in the said Act described, are required to be made and signed, and sworn or affirmed, and delivered to the Commissioners for managing His Majesty's Stamp Duties, or to some of their officer or officers as therein mentioned; and it is by the said Act, amongst other things, also enacted, that in some part of every newspaper or other such paper as aforesaid there shall be printed the true and real name and names, addition and additions, and place and places of abode of the printer and printers and publisher and publishers of the same, and also a true description of the place where the same is printed: And that certain penalties are by the said Act imposed for any neglect or omission to comply with the aforesaid provisions; and it is by the said Act provided that the said penalties respectively shall be recovered by action of debt, bill, plaint, or information in any of His Majesty's courts of record at Westminster, and that the same when recovered shall be, as to one moiety thereof, to and for the use of His Majesty, his heirs and successors, and, to the other moiety thereof to and for the use of the person who shall inform or sue for the same: And that the printers, publishers, and proprietors of divers newspapers have inadvertently neglected to comply with some of the aforesaid provisions of the said recited Act, as many actions, suits, informations, and prosecutions have been brought and commenced against such printers, publishers, as proprietors, or some of them, by persons who sue, inform, and prosecute, as well on their own behalf as on behalf of His Majesty, to recover various penalties incurred or alleged to have been incurred under or by virtue of the said Act by reason of such neglect; and it is expedient that all further proceedings in such actions, suits, informations, and prosecutions should be prevented, and such other provision made in relation thereto, and otherwise, as is hereinafter mentioned:—

It is therefore Enacted,

1. That immediately from and after the passing of this Act it shall be lawful for any person or persons against whom an original writ, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, on or before the day of the passing of this Act, for the recovery of any pecuniary penalty or penalties incurred under the said Act, except the cases hereinafter provided, to apply to the Court in which such original writ, suit, action, bill, plaint, or information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to the Judge of either of the superior courts at Westminster, for an order that such writ, suit, action, bill, plaint, or information shall be discontinued, upon payment of the costs thereof out of pocket incurred to the time of such application being made, and costs to be taxed according to the practice of such court; and every such Court or Judge is hereby authorized and required upon such application, and proof that sufficient notice has been given to the plaintiff or plaintiffs, or to his or their attorney, the application, to make such order as aforesaid; and upon the making such order, and payment or tender of such costs aforesaid, such writ, suit, action, bill, plaint, or information shall be forthwith discontinued.

III. That in all cases in which any such writ, suit, action, bill, plaint, or information sued out or commenced on or before the 4th of March 1835 shall have been renewed or continued before the passing of this Act, or upon which any declaration shall have been filed or delivered, or other proceeding had, after the said 4th of March and before the passing of this Act, it shall be lawful for such Court or Judge, upon such application and proof as aforesaid, to make such order as aforesaid for discontinuing the same, upon payment of the costs out of pocket of all proceedings had on or before the said 4th of March, to be taxed as aforesaid, and of such costs out of pocket, if any, of any proceedings had after the said 4th of March, as the Court or Judge making such order shall direct; and upon making such order, and payment or tender of such costs, such writ, suit, action, bill, plaint, or information shall be forthwith discontinued.

III. That in all cases in which any such writ, suit, action, bill, plaint, or information shall have been sued out or commenced at any time subsequent to the said 4th of March, it shall be competent for such Court or Judge as aforesaid to make such order as aforesaid for discontinuing the same, without payment of any costs; and upon making such order, such writ, suit, action, bill, plaint, or information shall be forthwith discontinued.

IV. That nothing herein contained shall extend or be construed to extend to any action, bill, plaint, or information in which any judgment or conviction shall have passed on or before the day of the passing of this Act, or to any action, bill, plaint, or information which shall have been or shall be commenced, prosecuted, entered, or filed by or in the name of His Majesty's Attorney General or Solicitor General for and on behalf of His said Majesty.

V. That from and after the passing of this Act all fines, penalties, and forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the use of His Majesty, his heirs and successors, and may be sued or prosecuted for in any of His Majesty's courts of record at Westminster, or in His Majesty's Court of Exchequer in Scotland, as the case may arise in England or Scotland respectively, wherein no essoin, privilege, protection, wager of law, or more than one imparlance shall be allowed; anything in the said recited Act or in any other Act contained to the contrary thereof notwithstanding.

VI. That from and after the passing of this Act it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, or information in any of His Majesty's courts, or before any Justice or Justices of the Peace, against any person or persons for the recovery of any fine, penalty, or forfeiture made or incurred or which may be incurred, by virtue of the said recited Act, unless the same be commenced, prosecuted, entered, or filed in the name of His Majesty's Attorney General or Solicitor General in that part of Great Britain called England, or His Majesty's Advocate for Scotland (as the case may be respectively), or in the name of the Solicitor of Stamps and Taxes, or some other officer of His Majesty's stamp duties in England or Scotland respectively; and if any action, bill, plaint, or information shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than is or are in that behalf before mentioned, the same and every proceeding thereupon had are hereby declared and the same shall be null and void to all intents and purposes.

VII. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. III.

AN ACT to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-

(20th March 1835.)

ABSTRACT OF THE ENACTMENT.

There shall be applied, for the service of the year 1835, 2,000,000*l.* now in the Exchequer;—any sums paid into the Exchequer in respect of Exchequer bills issued for public works;—60,000*l.* to be paid by the East India Company;—and any balance paid in by the Bank of England pursuant to 56 Geo. 3. c. 97.

By this ACT, the Commons granted, and it is Enacted,

That there shall and may be issued and applied, for or towards making good the supply granted to His Majesty for the service of the year 1835, the sum of 2,000,000*l.*, a part of the sum now remaining in the Exchequer, or remaining to be received on the 23rd of February 1835, to complete the aids granted by Parliament for the service of the years 1833 and 1834; and also any sum or sums of money which may have been or which may be paid into the Exchequer before the 5th of April 1835 in respect of Exchequer bills issued pursuant to two Acts, 57 Geo. 3, and 3 Geo. 4, and 1 & 2 Will. 4, for authorizing the issue of Exchequer bills for carrying on public works and fisheries in the United Kingdom; and also the sum of 60,000*l.* to be paid into the Exchequer by the United Company of Merchants of England trading to the East Indies, towards the expense of retaining pay, pensions, and allowances to His Majesty's Forces serving in India, in pursuance of an Act, 4 Geo. 4; and also the balance now in the Exchequer, or which may be paid into the same by the Governor and Company of the Bank of England on or before the 5th of April 1835, pursuant to an Act, 56 Geo. 3, intitled, 'An Act to authorize the advancing, for the Public Service, a Proportion of the Balance that shall remain from Time to Time in the Bank of England for the Payment of Dividends on account of the Public Debt, for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities

remaining unclaimed; provided that if at any time the said balance shall be reduced to a less sum than 100,000*l.*, then so much of the monies advanced by the said Governor and Company shall be repaid to them as shall be equal to the sum by which the said balance shall be less than the sum of 100,000*l.*; and the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland now or for the time being, or any three or more of them, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland for the time being, are or is hereby authorized and empowered to apply the same accordingly.

CAP. IV.

AN ACT for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five.

(20th March 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *The Treasury may raise 15,000,000*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1.*
2. *The clauses, &c. in recited Act extended to this Act.*
3. *Treasury to apply the money raised.*
4. *Bills to be payable out of supplies of the next session.*
5. *Interest on Exchequer bills.*
6. *Bills to be current at the Exchequer after April 5, 1836.*
7. *Bank of England may advance 15,000,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.*

By this ACT, the Commons granted, and it is Enacted.

I. That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland at any time or times to cause or direct any number of Exchequer bills to be made out at the receipt of the Exchequer at Westminster for any sum or sums of money not exceeding in the whole the sum of 15,000,000*l.*, in the same or like manner, form, and order, and according to the same or like rules and directions, as are prescribed in an Act, 48 Geo. 3. c. 1, intitled, 'An Act for regulating the Issue and paying off of Exchequer Bills.'

II. That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said Act shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully and effectually, to all intents and purposes, as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this Act.

III. That it shall be lawful for the said Commissioners of the Treasury to issue and apply from time to time all such sums of money as shall be raised by Exchequer bills to be made out in pursuance of this Act to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

IV. That the principal sum or sums of money to be contained in such Exchequer bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first supplies to be granted in the next session of Parliament.

V. That the Exchequer bills to be made out in pursuance of this Act shall bear date on the days on which the same shall be respectively issued, and shall and may bear an interest not exceeding the rate of 3*¼*d. per centum per diem upon or in respect of the whole of the monies respectively contained therein, payable out of any aids or supplies in the receipt of His Majesty's Exchequer at Westminster.

VI. That all and every the Exchequer bills to be made forth by virtue of this Act, or so many of them as shall from time to time remain undischarged and uncanceled, shall and may, from and after the 5th of April 1836, be received and taken and shall pass and be current to all and every the receivers and collectors in Great Britain of the Customs, Excise, or any revenue, supply, aid, or tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, his heirs and successors, and also at the receipt of the said Exchequer, from the said receivers or collectors, or from any other person or persons, bodies politic or corporate whatsoever, making any payment there to His Majesty, his heirs and successors, for or upon any account, cause, or occasion whatsoever, according to the purport and true meaning of this Act; and that such of the same bills as shall be received at the said Exchequer shall and may be locked up and secured as cash, according to the course of the said Exchequer settled and established by law for locking up and securing monies received in specie there.

VII. That it shall and may be lawful for the Governor and Company of the Bank of England to advance or lend to His Majesty, upon the credit of the Exchequer bills to be made out in pursuance of this Act, any sum or sums of money not exceeding in the whole the sum of 15,000,000*l.*, anything in an Act, 5 & 6 W. & M. c. 20, intitled, 'An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Remcompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France,' or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

CAP. V.

AN ACT for Punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[Annual Act. See Law Journ. Abridgment of Statutes, 1834.]

(13th April 1835.)

CAP. VI.

AN ACT to indemnify the Governor General and other Persons in respect of certain Acts done in the Administration of the Government of the *British Territories* in the *East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid.

(13th April 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *Governor General, Vice President, and Members of Council in India, &c. indemnified for all acts done by them between 22nd April 1834 and 1st of January 1835.*
2. *And such acts to be valid.*

By this Act,

After reciting that by an Act, 3 & 4 Will. 4. c. 85, intituled, 'An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four,' the superintendence, direction, and control of the whole civil and military government of all the British territories and revenues in India is vested in a Governor General and councillors; styled "The Governor General of India in Council"; and that it is thereby enacted that there shall be four ordinary members of the said council, to be appointed by the Court of Directors of the company, as therein mentioned; and that it is thereby enacted that the person who should be Governor General of the Presidency of Fort William in Bengal on the 22nd of April 1834 should be the first Governor General of India under that Act, and that such persons as should be members of council of the same presidency on that day should be respectively members of the council constituted by that Act; and it is also enacted that the said council shall from time to time assemble at such place or places as shall be appointed by the said Governor General in council within the said territories; and various provisions are made for the administration of the government of the said territories, all of which it is thereby enacted, shall commence and take effect from and after the 22nd of April then next, (that is to say,) from and after the 22nd of April 1834: And that by a commission under the seal of the Honourable the East India Company, bearing date the 27th of December 1833, duly issued by order of the Court of Directors of the said Company in that behalf, the said Court did appoint Lord William Cavendish Bentinck to be Governor General of India, to take upon himself the said office upon and from the 22nd of April 1834, and did further appoint William Blunt Esquire, Alexander Ross Esquire, William Byam Martin Esquire, and Thomas Babington Macaulay Esquire, to be respectively the first, second, third, and fourth ordinary members of the said council; and by another commission bearing the same date the said Court did appoint Sir Charles Theophilus Metcalfe Baronet to be Governor of the Presidency of Agra, which presidency is by the said recited Act directed to be constituted, to take upon himself the said office upon and from the said 22nd of April 1834: And that under and by virtue of the former appointments of the Court of Directors of the said Company at the time of issuing the said commissions, and from thence until the 22nd of April 1834, the said Lord William Cavendish Bentinck was Governor of the Presidency of Fort William in Bengal, and the said Sir Charles Theophilus Metcalfe, and the said William Blunt and Alexander Ross were respectively members of the council of the said Presidency, and in virtue of the provisions of former Acts the said Sir Charles Theophilus Metcalfe was also vice president of the said council: And that on the said 22nd day of April 1834 the said Lord William Cavendish Bentinck was, in consequence of ill-health, at Ootacamund in the Presidency of Madras, and the said Sir Charles Theophilus Metcalfe and the aforesaid William Blunt were at Calcutta, and the said Alexander Ross, William Byam Martin, and Thomas Babington Macaulay were not in the East Indies, and Lieutenant-Colonel William Morrison, who had been appointed by the said Court Provisional Councillor of India, was in Mysore; and for these and other reasons the government of the said Presidency and other the territories belonging to the East India Company in India was administered for a time otherwise than in accordance with the said recited Act; and that it is expedient that the said Lord William Cavendish Bentinck, and Sir Charles Theophilus Metcalfe and William Blunt, and all other persons by whom the said government was so administered, and all persons acting under the order of them or any or either of them, should be indemnified in manner hereinafter mentioned, and their acts rendered valid:—

It is Enacted,

1. That the said Lord William Cavendish Bentinck, Sir Charles Theophilus Metcalfe, and William Blunt, and also the several persons who at any time after the 22nd of April 1834 were or acted as members of the council of India, and also all

persons acting under the authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for or on account of in respect of all or any acts, matters, and things whatsoever done, ordered, directed, or authorized by the said Governor General and vice president and members of council, or any or either of them, or by any person or persons acting under the authority of them or of any or either of them; so only and provided that such acts, matters, and things shall have been done, ordered, directed, or authorized *bona fide* in the exercise of the administration of the government of the British territories in the East Indies, between the said 22nd of April 1834 and the 1st of January 1835.

11. That all such acts, matters, and things shall be as valid and effectual, and shall be and be deemed to be of as much force, validity, and effect as if the same had been expressly authorized by the said recited Act.

CAP. VII.

AN ACT for the Regulation of His Majesty's Royal Marine Forces while on Shore,

(19th April 1835.)

[Annual Act. See Law Journ. Abridgment of Statutes, 1834.]

CAP. VIII.

AN ACT for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits.

(10th June 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *Lords of the Treasury empowered to substitute a declaration in lieu of an oath, &c. in certain cases.*
2. *Substitution of declaration to be published in the Gazette;—and after 21 days from the date thereof the provisions of this Act to apply.*
3. *After said 21 days, no oath to be administered in lieu of which a declaration has been directed.*
4. *In cases of false declarations in matters relating to the Customs, Excise, Stamps, and Taxes, or Post Office, an additional penalty of 100l. to be inflicted.*
5. *Oath of allegiance still to be required in all cases.*
6. *Oaths in courts of justice, &c. still to be taken.*
7. *Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.*
8. *Churchwarden's and sidesman's oath abolished, and a declaration to be made in lieu thereof.*
9. *Declaration substituted for oath by persons acting in turnpike trusts.*
10. *Declaration substituted for affidavit heretofore required on taking out a patent.*
11. *Declaration substituted for oaths and affidavits required by Acts as to pawnbrokers.—Penalties as to such oaths, &c. to apply to declarations.*
12. *Justices not to administer oaths, &c. touching matters whereof they have no jurisdiction by Statute.—Proviso.*
13. *Fees on oaths payable on declarations substituted in lieu thereof.*
14. *False declarations punishable as perjury.—Allegation in indictment for perjury.*
15. *Act to take effect after 15th June 1835.*
16. *Act may be amended this session.*

By this Act,

After reciting that by an Act, 1 & 2 Will. 4. c. 4, intituled, 'An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute Declarations in lieu thereof,' and by other enactments subsequent thereto, the number of oaths and affirmations required to be taken and made in those departments has been greatly diminished, and the beneficial operation of the said recited Act and such other subsequent enactments gives ground to believe that the number of oaths and affirmations may with advantage be yet further reduced in those and in other departments of the state:—

It is Enacted,

1. That in any case where, by any Act or Acts made or to be made relating to the revenues of Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works and Buildings, the Army Pay Office, the Office of the Treasurer of the Navy or of the Treasurer of the Ordnance, His Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of His Majesty's Principal Secretaries of State, the Office for auditing the Public Accounts, or any office under the control, direction, or superintendence of the Lords Commissioners of

His Majesty's Treasury, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful for the Lords Commissioners of His Majesty's Treasury or any three of them, if they shall so think fit, by writing under their hands and seals to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit which might but for the passing of this Act be required to be taken or made; and the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit shall, in presence of the Commissioners, Collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration, and every such Commissioner, Collector, other officer or person is hereby empowered and required to administer the same accordingly.

II. That when the said Lords Commissioners of His Majesty's Treasury or any three of them shall, in any such case as hereinbefore mentioned, have substituted, in writing under their hands and seals, a declaration in lieu of an oath, solemn affirmation, or affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the London Gazette; and from and after the expiration of twenty-one days next following the day of the date of the Gazette wherein the copy of such instrument shall have been published, the provisions of this Act shall extend and apply to each and every case specified in such instrument, as well and in the same manner as if the same were specified and named in this Act.

III. That after the expiration of the said twenty-one days it shall not be lawful for any Commissioner, Collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the Lords Commissioners of His Majesty's Treasury to be substituted.

IV. That if any person shall make and subscribe any such declaration as hereinbefore mentioned in lieu of any oath, solemn affirmation, or affidavit by any Act or Acts relating to the revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any purpose whatsoever, and such declaration shall be untrue in any particular, the person making the same shall, over and above every other penalty to which such person might under such Act or Acts or otherwise become subject, forfeit and pay 100*l.*, which shall be sued for, recovered, and applied in the same manner and under the same provisions as any penalty imposed by any Act or Acts relating to the revenues of Customs, Excise, Stamps and Taxes, or Post Office, respectively, may by law be and *sed fac.* recovered, and applied.

V. Provided, That nothing in this Act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office, but that such oath of allegiance shall continue to be required, and shall be administered and taken, as well and in the same manner as if this Act had not been passed.

VI. Provided also, that nothing in this Act contained shall extend or apply to any oath, solemn affirmation, or affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any court of justice, or in any proceeding for or by way of summary conviction before any Justice or Justices of the Peace, but all such oaths, affirmations, and affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

VII. That it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute, or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, bye laws, or orders authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made: Provided always, that such statutes, bye laws, or orders be otherwise duly made and passed according to the charter, laws, or regulations of the particular university, other body corporate and politic, or other body so authorized as aforesaid.

And after reciting that persons serving the offices of churchwarden and sidesman are at present required to take an oath of office before entering upon the execution thereof, and that it is expedient that a declaration shall be substituted for such oath of office:—

It is Enacted,

VIII. That in future every person entering upon the office of churchwarden or sidesman, before beginning to discharge the duties thereof, shall in lieu of such oath of office, make and subscribe, in the presence of the ordinary or other person before whom he would, but for the passing of this Act, be required to take such oath, a declaration that he will faithfully and diligently perform the duties of his office, and such ordinary or other person is hereby empowered and required to administer the same accordingly.

IX. That in any case where, under any Act or Acts for making, maintaining, or regulating any highway, or any road, or any turnpike road, or touching any trust relating thereto, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person whatsoever, no such oath, solemn affirmation, or affidavit shall in future be required to be or be taken or made, but the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit shall, in lieu thereof, in the presence of the Trustee, Commissioner, or other person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a declaration to the same effect as such oath, solemn affirmation, or affidavit, and such Trustee, Commissioner, or other person is hereby empowered and required to administer and receive the same.

X. That whenever any person or persons shall seek to obtain any patent under the Great Seal for any discovery or invention, such person or persons shall, in lieu of any oath, affirmation, or affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such patent, make and subscribe, in the presence of the person before whom he

might, but for the passing of this Act, be required to take or make such oath, affirmation, or affidavit, a declaration to the same effect as such oath, affirmation, or affidavit; and such declaration, when duly made and subscribed, shall be to all intents and purposes as valid and effectual as the oath, affirmation, or affidavit in lieu whereof it shall have been so made and subscribed.

XI. That where, by any Act or Acts at the time in force for regulating the business of pawnbrokers any oath, affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made, the person who by or under such Act or Acts might be required to take or make such oath, affirmation, or affidavit shall in lieu thereof make and subscribe a declaration to the same effect; and such declaration shall be made and subscribed at the same time, and on the same occasion, and in the presence of the same person or persons, as the oath, affirmation, or affidavit, in lieu whereof it shall be made and subscribed would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the enactments, provisions, and penalties contained in or imposed by any such Act or Acts as to any oath, affirmation, or affidavit thereby directed or required to be taken or made shall extend and apply to any declaration in lieu thereof, as well and in the same manner as if the same were herein expressly enacted with reference thereto.

And after reciting that a practice wholly contrary to the policy of the law has been permitted to prevail, of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, nor in anywise pending or at issue before the Justice of the Peace or other person by whom such oaths or affidavits have been administered or received: And that doubts have arisen whether or not such proceeding is illegal; for the more effectual suppression of such practice and removing such doubts,—

It is Enacted,

XII. That from and after the 1st of June next ensuing, it shall not be lawful for any Justice of the Peace or other person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation, touching any matter or thing whereof such Justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: Provided always, that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any Justice in any matter or thing touching the preservation of the peace, or the prevention, trial, or punishment of offences.

XIII. That whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act, or any of them, in lieu of any oath, solemn affirmation, or affidavit, all and every such fees or fee as would have been due and payable on the taking or making such oath, solemn affirmation, or affidavit shall be in like manner due and payable upon making and subscribing such declaration in lieu thereof.

XIX. That in any case where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any particular, shall in all cases in which the punishment of perjury would now attach be guilty of a misdemeanor, and on being duly convicted thereof shall incur the pains and penalties to which persons are or may be liable for wilful and corrupt perjury; and it shall be sufficient in any indictment for such offence to allege generally that the declaration therein charged to have been falsely made was a declaration duly substituted in lieu of an oath, and it shall not be necessary to state by what authority or in what manner the same shall have been so substituted.

XV. That this Act shall commence and take effect from and after the 15th of June in this present year, 1855.

XVI. That this Act may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

CAP. IX.

AN ACT to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five.

(17th June 1835.)

By this ACT, it is Enacted,

I. That there shall be applied, for the service of the year 1835, 8,000,000*l.* out of the Consolidated Fund.

II. The Treasury may cause 8,000,000*l.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1.

III. The clauses, &c. in recited Act extended to this Act.

IV. Interest on Exchequer bills, 3*½*d. *per cent. per diem.*

V. Bills to be placed as so much cash in the Exchequer;—

VI. And may be applied by the Treasury.

VII. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.

VIII. Bank of England may advance 8,000,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. and M. c. 20.

CAP. X.

AN ACT to allow, until the Twenty-eighth Day of *July* One thousand eight hundred and thirty-five, the Importation of certain Articles, Duty free, into the Island of *Dominica*, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty free.

(3rd July 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *Lumber, &c. may be imported duty free into the island until 28th of July 1835.*
2. *Governor and Collector, &c. of the Customs indemnified.*
3. *Act may be continued by order in council.*

By this ACT,

After reciting that the island of *Dominica* in the West Indies has recently been visited with a most violent and destructive hurricane, whereby the inhabitants of that island have experienced very great distress, in consequence of which it is deemed expedient to permit for a limited time the importation into that island, in vessels of all nations, of lumber, shingles, flour, beef, pork, and fish, duty free:—

It is Enacted,

- i. That from and after the passing of this Act, lumber, shingles, flour, beef, and pork shall and may be imported into the said island duty free until the 28th of July 1835; and that all fish which may have been imported duty free under any proclamation of the governor of the said island is hereby declared to be free of duty accordingly.
- ii. That the governor of the said island, and the collector and other officers of the Customs in the said island, and all persons whatever acting or having acted under their orders and directions, shall be and are hereby indemnified for any orders, which they may have respectively given upon or after the days on which the hurricane in the said island took place, by reason of which any duty that was then legally due and payable on the importation into that island of lumber, shingles, flour, beef, pork, and fish ceased to be levied and collected, and for any omission on their parts to cause such duty to be levied and collected since such days.
- iii. That it shall be lawful for His Majesty, by order in council, to continue in force the provisions of this Act until the 1st day of March 1836.

CAP. XI.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

(3rd July 1835.)

[Annual Indemnity Act; printed at length in preceding volumes of Statutes.]

CAP. XII.

AN ACT for continuing to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five.

(3rd July 1835.)

By this ACT,

- i. Duties on sugar and molasses imposed by 1 Will. 4. c. 50. continued until July 1836.
- ii. Powers of recited Act extended to this Act.
- iii. Separate accounts to be kept in the office of the Controller General of the Exchequer of the duties arising in *Great Britain*. Monies arising in *Ireland* to be paid into the Exchequer there.

- iv. The Treasury may direct Exchequer bills to be made out not exceeding 3,000,000*l*.
- v. Powers of 48 Geo. 3. c. 1. extended to this Act.
- vi. Exchequer bills to bear an interest of 4*l*. per cent. per annum.
- vii. Bank of England may advance money on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 29.
- viii. Bills to be delivered to the Bank of England, as security for the advances,
- ix. Exchequer bills to be charged on the duties granted by this Act;
- x. Money due on Exchequer bills to be paid out of the next aids.
- xi. Surplus monies to be carried to Consolidated Fund.
- xii. The Treasury to allow the necessary charges of making forth new Exchequer bills.
- xiii. Money issued to be replaced out of the first supplies.
- xiv. Act may be altered this session.

[See the Act, 1 Will. 4. c. 50, 8 Law Journ. Stat. 106.]

CAP. XIII.

AN ACT to regulate the Importation of Corn into the *Isle of Man*.

(3rd July 1835.)

ABSTRACT OF THE ENACTMENTS.

- 1. *All foreign corn to be subject to the same duties in the Isle of Man as in the United Kingdom.*
- 2. *Certificate of average prices to be transmitted.*
- 3. *How duties are to be collected.*

By this Act,

After reciting an Act, 9 Geo. 4. c. 60, intituled, 'An Act to amend the Laws relating to the Importation of Corn,' whereby certain duties, as set forth in a table annexed to the said Act, are made payable in the United Kingdom upon the importation of corn, grain, meal, and flour, but which duties are not payable in the Isle of Man: And that the surplus productions of the Isle of Man are nevertheless admissible, under the laws now in force, into the United Kingdom, without payment of any duties: And that the inhabitants of the Isle of Man do not stand in need of any supplies of foreign corn for their consumption, and therefore it is necessary, for the better enforcement of the said Act with regard to the importation of corn into the United Kingdom, to make new provisions for regulating the importation of corn into the Isle of Man:—

It is Enacted,

I. That from and after the passing of this Act it shall not be lawful to import into the Isle of Man any foreign corn, grain, meal, or flour, except upon payment of the same duties as are by the said Act made payable on the importation into the United Kingdom of corn, grain, meal, or flour.

And after reciting that in and by the said Act it is provided that a certain certificate of the aggregate average prices of corn shall be transmitted to the collector or other chief officer of the Customs at each of the several ports of the United Kingdom:—

It is Enacted,

II. That the said certificate shall in like manner be transmitted to the collector or other chief officer of the Customs at the port of Douglas in the Isle of Man; and that the duties payable as aforesaid in the Isle of Man shall be ascertained from time to time by the prices set forth in such certificate, in like manner as the same are ascertained in the United Kingdom.

III. That the duties imposed by this Act shall be raised, levied, collected, and paid unto his Majesty in like manner as if the same had been imposed by an Act, 3 & 4 Will. 4. c. 60, intituled, 'An Act for regulating the Trade of the Isle of Man.'

CAP. XIV.

AN ACT to continue to the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty's Reign, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

(3rd July 1835.)

CAP. XV.

AN ACT to continue until the Thirty-first Day of May One thousand eight hundred and thirty-eight, and to the End of the then next Session of Parliament, the Allowances of the Duty of Excise on Soap used in certain Manufactures.

(31st July 1835.)

CAP. XVI.—IRELAND.

AN ACT for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in Ireland.

(30th July 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Marshal of the Four Courts Prison to keep a register of persons committed for contempts, and report four times a year to the Lord Chancellor.
2. Manner of proceeding in case of persons not appearing within the usual time after subpoena or other process has been issued.
3. Persons in custody so neglecting to be served with a copy of the decree.
4. Persons out of the realm affected by such decrees if they return within seven years, to be served with a copy, or, in case of death, their heirs, &c.
5. Persons not petitioning a rehearing of the cause within six months, the decree to be absolutely confirmed.
6. Persons petitioning a rehearing within seven years, and giving security for costs, admitted to answer, and the cause to be heard again.
7. Persons not appearing within seven years, and making such petition, to be absolutely barred.
8. Not to affect persons beyond the seas, unless in certain cases.
9. Appearances may be put in for defendants having privilege of Parliament in courts of equity, on return of process of sequestration.
10. In default of answer to bill in equity against persons having privilege of Parliament, bill shall be taken *pro confesso*.
11. Such bill shall be read in evidence as an answer admitting the facts.
12. Rules for the Court of Chancery.
13. Discharge may extend to process for contempt in non-payment of money, and to costs incurred by creditor, but subject to taxation.
14. When process of contempt is for non-performance of an Act.
15. Powers given by this Act to the Court of Chancery to extend to the Lord Keeper and Master of the Rolls.
16. Forgoing rules to be adopted by the Court of Exchequer.
17. Powers contained in such rules may be exercised by the Court of Exchequer.
18. Rule for the interpretation of this Act.
19. This Act not to annul provisions of 1 Geo. 2. (1.), 2 Will. 4. c. 33, 4 & 5 Will. 4. c. 82, 4 & 5 Will. 4. c. 78.

By this Act,

After noticing that it is expedient to amend the law regarding commitments by courts of equity for contempts, and the taking bills *pro confesso*, in Ireland:—

It is Enacted,

1. That the Marshal of the Marshalsea of the Four Courts Prison shall keep a register of the names of all persons committed by the courts of equity for contempts, stating the dates and the grounds of their several commitments, and the dates of their respective discharges, and shall, on the 20th of January, the 20th of April, the 20th of July, and the 20th of October, in every year, make a report to the Lord Chancellor of the names and descriptions of such prisoners in his custody on each of such days respectively, with the causes and dates of their respective commitments.

And after reciting that sometimes persons have withdrawn themselves beyond the seas, or otherwise absconded, to avoid appearing in courts of equity, or being served with process for that purpose, or, being brought into court by habeas corpus, have refused to appear; for remedy of the inconvenience thence ensuing—

It is Enacted,

2. That if in any suit, not being for the foreclosure of a mortgage, which hath been or hereafter shall be commenced in any court of equity, any defendant against whom any subpoena or other process shall issue shall not cause his appearance to be entered upon such process within such time and in such manner as according to the rules of the court the same ought to have been entered in case such process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of such Court that such defendant is beyond the seas, or that upon inquiry at his usual place of abode he could not be found so as to be served with such process, and that there is just ground to believe that such defendant is gone out of the realm, or has other-

wise absconded, to avoid being served with the process of such Court, then and in such case the Court out of which such process issued may make an order directing and appointing such defendant to appear at a certain day therein to be named; and a copy of such order shall, within fourteen days after such order made, be inserted in the *Dublin Gazette*, and published on some Lord's Day immediately after divine service in the parish church where such defendant made his usual abode within thirty days next before such his absenting, and also a copy of such order shall within the time aforesaid be posted up in some public place at the Royal Exchange in Dublin; and if the defendant do not appear within the time limited by such order, or within such further time as the Court shall appoint, then, on proof made of such publication of such order as aforesaid, the Court, being satisfied of the truth thereof, may order the plaintiff's bill to be taken *pro confesso*, and make such decree thereupon as shall be thought just, and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the party so absenting (if any such can be found), or such part thereof as may be sufficient to satisfy the demands of the plaintiff in the said suit, or by causing possession of the estate or effects demanded by the bill to be delivered to the plaintiff, or otherwise, as the nature of the case shall require; and the said Court may likewise order such plaintiff to be paid and satisfied his demands out of the estate or effects so sequestered, according to the true intent and meaning of such decree. such plaintiff first giving sufficient security in such sum as the Court shall think proper to abide such order touching the restitution of such estate or effects as the Court shall think proper to make concerning the same upon the defendant's appearance to defend such suit, and paying such costs to the plaintiff as the Court shall order; but in case such plaintiff shall refuse or neglect to give such security as aforesaid, then the said Court shall order the estate or effects so sequestered, or whereof the possession shall be decreed to be delivered, to remain under the direction of the Court, either by appointing a receiver thereof, or otherwise, as to such Court shall seem meet, until the appearance of the defendant to defend such suit, and his paying such costs to the plaintiff as the said Court shall think reasonable, or until such order shall be made therein as the Court shall think just.

III. That if any person against whom any decree shall be made upon refusal or neglect to enter his appearance, or appoint a clerk in court or attorney to act on his behalf, shall be in custody or forthcoming, so that he may be served with a copy of such decree, then he shall be served with a copy thereof before any process shall be taken out to compel the performance thereof.

IV. That if any decree shall be made in pursuance of this Act against any person being out of the realm, or absconding in manner aforesaid, at the time such decree is pronounced, and such person shall within seven years after the making such decree return or become publicly visible, then and in such case he shall likewise be served with a copy of such decree within a reasonable time after his return or public appearance shall be known to the plaintiff; and in case any defendant against whom such decree shall be made shall within seven years after the making such decree happen to die before his or her return into this realm, or appearing openly as aforesaid, or shall within the time last before mentioned die in custody before his or her being served with a copy of such decree, then his or her heir, if such defendant shall have any real estate sequestered, or whereof possession shall have been delivered to the plaintiff, and such heir may be found, or if such heir shall be a feme covert, infant, or *non compos mentis*, the husband, guardian, or committee of such heir respectively, or if the personal estate of such defendant be sequestered, or possession thereof delivered to the plaintiff, then his executor or administrator (if any such there be), may and shall be served with a copy of such decree within a reasonable time after it shall be known to the plaintiff that the defendant is dead, and who is his heir, executor, or administrator, or where he may be served therewith.

V. That if any person so served with a copy of such decree shall not within six months after such service appear and petition to have the said cause reheard, such decree so made as aforesaid shall stand absolutely confirmed against the person so served with a copy thereof, his heirs, executors, and administrators, and all persons claiming or to claim by, from, or under him or any of them by virtue of any act done or to be done subsequent to the commencement of any suit.

VI. That if any person so served with a copy of such decree shall within six months after such service, or if any person not being so served shall within seven years next after the making such decree, appear in court and petition to be heard with respect to the matter of such decree, and shall pay down or give security for payment of such costs as the Court shall think reasonable in that behalf, the person so petitioning, or his representatives, or any person claiming under him by virtue of any act done before the commencement of the suit, may be admitted to answer the bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree, and execution may be had thereon, as there might have been in case the same party had originally appeared, and the proceedings had then been newly begun, or as if no former decree or proceedings had been in the same cause.

VII. That if any person against whom such decree shall be made, his heirs, executors, or administrators, shall not within seven years next after the making of such decree appear and petition to have the cause reheard, and pay down or give security for payment of such costs as the Court shall think reasonable in that behalf, such decree made as aforesaid shall stand absolutely confirmed against the person against whom such decree shall be made, his heirs, executors, and administrators, and against all persons claiming or to claim by, from, or under him, or any of them, by virtue of any act done or to be done subsequent to the commencement of such suit; and at the end of such seven years it shall and may be lawful for the Court to make such further order as shall be just and reasonable, according to the circumstances of the case.

VIII. That this Act shall not extend or be construed to extend to warrant or make good any proceeding against any person beyond the seas, unless it shall appear to the satisfaction of the Court by affidavit or affidavit, before the making of such decree, that such person had been in Ireland within two years next before the subpoena in such suit issued against such person.

And after reciting that in many cases persons having privilege of Parliament are named as defendants in suits instituted in courts of equity against them, either alone or jointly with other persons, for enforcing against them demands and duties cognizable in courts of equity, and in some cases such defendants having privileges of Parliament have stood out to the return of process of sequestration issued against them for enforcing appearance, and such process of sequestration hath not been found sufficient to enforce such appearance:—

It is Enacted,

IX. That from and after the passing of this Act, in case any defendant having privilege of Parliament shall, upon a return of process of sequestration issued against him for not putting in an appearance to any original or other bill of complaint instituted against him in a court of equity for enforcing discovery and relief, or discovery alone, (as the case may be,) neglect to appear, that then and in such case such Court, upon producing the return of such sequestration in court, may, on the motion or other application of the plaintiff in such cause, appoint a clerk in court to enter an appearance for such defendant so having privilege of Parliament, and such proceedings may be thereupon had in the cause as if the party had actually appeared.

And after reciting that in many cases it is necessary, on the part of the persons having legal rights against persons having privilege of Parliament, to proceed by bill in equity against such persons so having privilege of Parliament, to obtain from them discovery on oath of facts intended to be used or given in evidence in courts of law against the persons making such discovery; and in cases where such persons having such privilege as aforesaid shall stand out process of contempt, parties entitled to such discovery against them have not sufficient means of compelling or obtaining the same in all cases:—

It is Enacted,

X. That from and after the passing of this Act, when any defendant having privilege of Parliament shall have appeared to any bill filed against him seeking a discovery upon oath, or when an appearance shall have been entered for such defendant according to the provisions aforesaid, and such person shall refuse or neglect to put in his answer to such bill within the time for that purpose allowed by the rules and orders of such Court, that then it shall and may be lawful for the plaintiff in such suit to apply to the Court for an order that such bill shall be taken *pro confesso* against such defendant, and upon such application such court of equity shall make an order that such bill shall be taken *pro confesso*, unless the defendant shall within eight days after being served with such order shew good cause to the contrary.

XI. That when and so soon as any such order shall have been pronounced by any such court of equity for taking such bill *pro confesso*, such bill in equity, or an examined copy thereof, so taken *pro confesso*, shall be taken and read in any court of law or equity as evidence of the facts and matters and things therein contained, in the same manner as if such facts, matters, and things had been admitted to be true by the answer of the defendant put in to such bill; and such bill so taken *pro confesso* shall be received and taken in evidence of such and the same facts, and on behalf of such and so many persons, as the answer of the defendant to the said bill could and might have been read and received in evidence of in case such answer had been put in by the defendant thereto, and had admitted the same facts, matters, and circumstances as in such bill stated and set forth; and in like manner every other bill of discovery taken *pro confesso*, under any of the provisions of this Act, shall or may be taken and read as evidence of the facts and matters and things therein contained, to the extent aforesaid.

For remedying the practice of courts of equity in regard to process of contempt and the taking of bills *pro confesso*:—

It is Enacted,

XII. That the rules and regulations hereinafter provided and contained shall be adopted by the High Court of Chancery in Ireland, and shall from henceforth become orders and rules of the said Court of Chancery, and be observed and enforced in and by the said Court; (that is to say,)

1. That where a Defendant is confined for a Misdemeanor, and has been brought before the Court upon an *habeas corpus*, and thereupon has been turned over to the said Marshalsea, *pro forma*, but has been carried back to the Prison from whence he came with his Cause, another Writ of *Habeas Corpus* may issue, directed to the Gaoler or Keeper of the Prison to which he has been carried back, and thereupon the Defendant shall be brought into Court, and remanded to the Prison from whence he came, with his Cause, without being turned over again to the said Marshalsea, and the Bill may be taken *pro Confesso* in the same Manner in all respects as if the Defendant had been all along in the Custody of the Marshal of the said Marshalsea.
2. That if the Defendant, under Process of Contempt for not appearing or not answering, be in actual Custody, and shall not have been sooner brought to the Bar of the Court under Process to answer his Contempt, the Plaintiff, if the Contempt be not sooner cleared, shall bring the Defendant by an *Habeas Corpus* to the Bar of the Court within Thirty Days from the Time of his being actually in Custody, or detained (being already in Custody) upon Process of Contempt, and if the last Day of such Thirty Days shall happen out of Term, then within the Four first Days of the ensuing Term; and where the Defendant is in Custody of the Serjeant at Arms or of the Messenger upon an Attachment or other Process the Plaintiff shall, within Ten Days after his being taken into such Custody, or if the last of such Ten Days shall happen out of Term, then within the first Four Days of the next ensuing Term, cause the Defendant to be brought to the Bar of the Court; and in case any such Defendant shall not be brought to the Bar of the Court within the respective Times aforesaid the Sheriff, Gaoler or Keeper, Serjeant at Arms or Messenger, in whose Custody he shall be, shall thereupon discharge him out of Custody without payment by him of the Costs of Contempt, which shall be payable by the Party on whose Behalf the Process issued; and this Rule shall apply to every Defendant in Custody before and at the Time of passing of this Act who shall not have been brought to the Bar of the Court, but the Thirty Days allowed in the first above-mentioned Case and the Ten Days allowed in the second above-mentioned Case shall be reckoned from the first Day of the next Term.
3. That if a Defendant, upon being brought before the Court upon an *Habeas Corpus*, shall make Oath (which shall be administered to him by the Registrar, and he shall be examined in open Court,) that he is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court shall thereupon refer it to a Master in Rotation to inquire into the Truth of that Allegation, and to report thereon to the Court forthwith, and thereupon the Court may make such Order as upon other Reports of the like Nature under the Provisions hereinafter contained.
4. That on the Thirtieth Day of January, the Thirtieth Day of April, the Thirtieth Day of July, and the Thirtieth Day of October in every Year, or if any of those Days happen on a Sunday, then on the following Day, One of the Masters of

- the Court of Chancery, to be named by the Court, shall visit the said Marshalsea Prison, and examine the Prisoners confined there for Contempt, and shall report his Opinion on their respective Cases to the Court; and thereupon it shall be lawful for the Court to order, if it shall see fit, that the Costs of the Contempt of any such Prisoner shall be paid out of the Interest and Dividends arising from the several Government or Parliamentary Securities standing in the Name of the Accountant General of the said Court of Chancery intitled, "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with Surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or out of any Cash standing to either of such Accounts, or to any other Account which is now or hereafter may be standing to the Credit of the Suitors of the said Court of Chancery, (after and subject to the Payment of all Charges which by any Act heretofore passed are directed to be paid thereout,) and to assign a Solicitor and Counsel to such Prisoner, for putting in his Answer and defending him *in forma pauperis*, and to direct any such Prisoner, having previously done such Acts as the Court shall direct, to be discharged out of Custody; provided that if any such Defendant shall become entitled to any Funds out of such Cause, the same shall be applied, under the Direction of said Court, in the first instance, to the Reimbursement of the Suitors Fund.
5. That it shall be lawful for the Master visiting the said Marshalsea, or to whom the Case of a Prisoner shall be referred by the Court itself, to examine the Prisoner and all other Persons whom he may think it proper to examine upon Oath, and to administer an Oath or Oaths to any such Prisoner and other Persons accordingly, and to cause any Officers, Clerks, and Ministers of any Court of Law or Equity to bring and produce upon Oath before him any Records, Orders, Books, Papers, or other Writings belonging to the said Courts, or to any Officers within the same as such Officers.
 6. That if it shall appear to the Satisfaction of the Court that any such Prisoner is an Idiot, Lunatic, or of unsound Mind, although no Commission has issued, the Court shall appoint a Guardian to put in his Answer, and discharge the Defendant, providing for the Costs in any of the Ways pointed out by this Act, as shall seem just; and if the Court shall see fit, the Defence may be made by such Guardian *in forma pauperis*.
 7. That where the Defendant has been brought to the Bar of the Court for his Contempt in not answering, and refuses or neglects to answer, (not being Idiot, Lunatic, or of unsound Mind,) the Court may, upon Motion or Petition, of which due Notice shall be given personally to the Defendant, authorise the Plaintiff to amend his Bill, without such Amendment operating as a Discharge of the Contempt, or rendering it necessary to proceed with the Process of Contempt *de novo*; but after such Amendment the Plaintiff may proceed to take the amended Bill *pro Confesso*, in the same Manner as if it had not been amended: Provided nevertheless, that if the Defendant shall be desirous to answer such amended Bill, the Court shall allow him such Time as shall seem just for that Purpose; but if he shall not within the Time allowed by the Court put in a sufficient Answer to the amended Bill, the Process for taking the Bill *pro Confesso* may be resumed and carried on.
 8. That in every Case where the Defendant has been brought to the Bar of the Court to answer his Contempt for not answering, and shall refuse or neglect to answer within the next Twenty-one Days, the Plaintiff shall be at liberty, with the Leave of the Court, upon Ten Days previous Notice to the Defendant, after the Expiration of such Twenty-one Days, unless good Cause be shewn to the contrary, instead of proceeding to have the Bill taken *pro Confesso*, to put in such an Answer to the Bill as hereinafter is mentioned, in the Name of the Defendant, without Oath or Signature, and thereupon the Suit shall proceed in the same Manner as if such Answer were really the Answer of the Defendant, with which the Plaintiff was satisfied, and the Costs of the Contempt and of putting in such Answer may be provided for in like Manner as if the Defendant himself had put in such Answer; and such Answer, besides the formal Parts thereof, shall be to the following Effect; that the Defendant leaves the Plaintiff to make such Proofs of the several Matters in the Bill alleged as he shall be able or be advised, and submits his Interests to the Court.
 9. That in any Case where, upon the Application of the Plaintiff, the Court shall be satisfied that Justice cannot be done to the Plaintiff without an Answer to the Bill or to the Interrogatories from the Defendant himself, it shall be lawful for the Court to order the Defendant to remain in Custody until Answer or further Order, but without Prejudice to the Plaintiff's availing himself of any of the Provisions of this Act.
 10. That where the Defendant is in Contempt for not appearing or not answering, and in actual Custody under Process for such Contempt, or being already in Custody shall be detained by an Attachment for such Contempt, and shall not, where the Contempt is for not appearing, enter an Appearance within Twenty-one Days after he is lodged in Gaol or Prison, or the Attachment is lodged against him (he being already in Prison), as the Case may be, or, where the Contempt is for not answering, put in an Answer within Two Calendar Months after he is lodged in Gaol or Prison, or the Attachment is lodged against him, he being already in Prison, the Plaintiff shall (as the Case may be), within Fourteen Days after the Period computed from the Expiration of such Twenty-one Days within which he may by the Provisions of this Act be able to enter such Appearance, cause an Appearance to be entered for the Defendant under the Powers of this Act, and shall at the Expiration of such Two Calendar Months proceed to take the Bill *pro Confesso*, and shall accordingly obtain an Order for taking the same *pro Confesso* within Six Weeks after the Period computed from the Expiration of such Two Calendar Months within which he may be able to take the same *pro Confesso*; or in default of so doing in either of such Cases the Defendant shall, upon Application to the Court, be entitled to be discharged out of Custody without paying any of the Costs of the Contempt, unless the Court shall, under the Power hereinbefore contained, see good Cause to remand and detain the Defendant in Custody; and this Rule shall apply to every Defendant in Custody before and at the Time of the passing of this Act who shall not have entered his Appearance, and for whom an Appearance shall not have been entered, or shall not have answered the Bill, and the Bill shall not have been taken *pro Confesso*, but the Twenty-one Days and Two Calendar Months respectively to be reckoned from the first Day of next Term, and the other Periods to be altered accordingly in Computation; but nothing in this Act shall prevent any Plaintiff from proceeding to take his Bill *pro Confesso*.

and, according to the Practice existing before the passing of this Act, without Prejudice to the Right of the Defendant to be discharged if not effected within the Time hereinbefore limited.

11. That where a Defendant is in Custody for a Contempt in not answering, and shall be able to put in his Answer without taking an Office Copy of the Bill, he shall not be compellable to take any such Copy, but the proper Officer may (if he think the Defendant is of sufficient Ability to pay for an Office Copy, and an Office Copy ought by the Practice of the Court to be taken out,) require him, before the Answer is filed, to make an Affidavit denying his Ability in consequence of Poverty to pay for an Office Copy of the Bill.
12. That when any Person shall have been directed by any Decree or Order to execute any Deed or other Instrument, or make a Surrender or Transfer, and shall have refused or neglected to execute such Deed or Instrument, or to make such Surrender or Transfer, and shall have been committed to Prison under Process for such Contempt, or, being confined in Prison for any other Cause, shall have been charged with or detained under Process for such Contempt, and shall remain in such Prison, and the Court shall, under the Powers of an Act passed in the Fourth and Fifth Years of his present Majesty's Reign, have ordered one of the Masters to execute any Deed or other Instrument, Surrender or Transfer, for and in the Name of such Person, in every such Case, within Ten Days after the Execution or making of any such Deed or other Instrument, or Surrender or Transfer, Notice thereof shall be given by the adverse Solicitor to the Party in whose Name the same is executed or made; and such Party, as soon as the Deed or other Instrument or Surrender, or Transfer, shall be executed, made, levied, or suffered, shall be considered as having cleared his Contempt, except as far as regards the Payment of the Costs of the Contempt, and shall be entitled to be discharged therefrom under any of the Provisions of this Act applicable to his Case; and the Court shall make such Order as shall be just touching the Payment of the Costs of or attending any such Deed, Surrender, Instrument, or Transfer.
13. That where a Person shall be committed for a Contempt in not delivering to any Person or Persons, or depositing in Court or elsewhere, as by any Order may be directed, Books, Papers, or any other Articles or Things, any Sequestrator or Sequestrators appointed under any Commission of Sequestration shall have the same Power to seize and take such Books, Papers, Writings, or other Articles or Things, being in the Custody or Power of the Person against whom the Sequestration issues, as they would have over his own Property, and thereupon such Articles or Things so seized and taken shall be dealt with by the Court as shall be just; and after such Seizure it shall be lawful for the Court, upon the Application of the Prisoner, or of any other Person in the Cause or Matter, or upon any Report to be made in pursuance of this Act, to make such Order for the Discharge of the Prisoner, upon such Terms, and, if it shall see fit, making any Costs to be Costs in the Cause, as to the Court shall seem proper.
14. That in all Cases of Contempt, other than and besides those already provided for, where any Person or Persons is or are or shall at any Time hereafter be in Prison under or by reason of any Commitment or Attachment, the Court may, upon any such Application as last aforesaid, or upon any such Report as aforesaid, make such Order for the Discharge of the Prisoner from the Contempt, upon any such Terms, and making, if the Court shall see fit, any Costs to be Costs in the Cause, as to the Court shall seem proper, or except as to the Costs, for which Costs the Prisoner shall remain in Custody, but entitled to the Provisions hereinafter contained if he be insolvent.
15. That wherever the Court shall, upon any such Report as aforesaid, or upon Investigation of the Case of a Prisoner by the Court itself, be of opinion that the Purposes of Justice will not be answered by his remaining any longer in Custody, or where it shall appear upon any such Report as aforesaid that any Person committed for a Contempt shall be entitled to his Discharge upon applying to the Court, but shall omit to make such Application, the Court may, either with his Assent or compulsorily, discharge such Person from the Contempt and from Custody, and pay the Costs of the Contempt out of any Funds belonging to him over which the Court may have Power, or make them Costs in the Cause as against him, or may discharge him from the Contempt, but leave him in Custody for the Costs, which may be cleared, if he be insolvent, under the Provisions hereinafter contained in that behalf.
16. That where any party obstinately retains Possession of Lands or other Real Property after a Writ of Execution of a Decree or an Order for Delivery of Possession has been duly served, and Demand of Possession made, and upon an Affidavit of such Service of the Writ of Execution, and of such Demand made thereunder, and a Refusal to comply therewith on the Part of the Person against whom the Writ issued, the Party issuing it shall be at liberty, upon an Affidavit of Service of the Writ of Execution, and Demand of Possession, and Refusal, to obtain the usual Order of Course for the Writ of Assistance to issue, and that the intermediate Writs of Attachment and Injunction, further commanding the Party to deliver Possession, or any other Writ, shall be unnecessary.
17. That in order to relieve Persons in Prison from the Expense of taking Affidavits or Answers, the Lord High Chancellor ~~do~~, by One or more Commission or Commissions under the Great Seal, upon or in respect of which no Fee shall be payable, nominate and appoint the Marshal, Keeper, or other Chief Officer of every Prison within the City of Dublin, or within Two Miles thereof, and their Deputies, to be Masters Extraordinary of the High Court of Chancery, for the Purpose of taking and receiving such Affidavits and Answers as any Person or Persons within any such Prison shall be willing or desirous to make, and for no other Purpose; and the Person so taking such Affidavit or Answer shall not in respect thereof be entitled to receive any Fee; and the Court of Exchequer shall in like manner appoint such Persons as aforesaid a Commissioner or Commissioners of the said Court for the Purposes aforesaid, and no others, and without the Right to any Fee; and in every Case of an Answer being sworn in Prison a Clerk of the Deputy Keeper of the Rolls or of the Printer of the Exchequer (as the Case may require) shall attend to take and carry back to and from the Prison the Answer, and shall in respect thereof be entitled to —.
18. That the discharge of any prisoner adjudicated upon under the authority of any Act now in force for the relief of insolvent debtors in Ireland, or any Act which may hereafter be passed for the relief of insolvent debtors, shall and may extend to

all process issuing from any court of equity for any contempt of such court for non-payment of rent or money, or of costs, charges, or expenses in any such court, including the costs of any commitment or attachment from which the party shall have been discharged so far as regards the contempt, but shall have been left liable to the costs; and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same; and that every discharge, so adjudicated as aforesaid, as to any debt or damages of any creditor of such prisoner, shall be deemed to extend also to all costs incurred by such creditor, before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoner for the purpose, for the recovery of the same; and that all persons as to whose demands for any such costs, money, or expenses any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said Act or any future Act, subject nevertheless to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof as is in the said last-mentioned Act, or as shall be in any future Act, provided in respect of all claim to a dividend of such insolvent's estate and effects.

XIV. That where the process of contempt is for the non-performance of an act, for example, the not answering a plaintiff's bill, and the bill in equity to which the insolvent is a party is taken *pro confesso*, and he has not paid the costs of the contempt, or the insolvent has fully answered the plaintiff's bill or interrogatories, or otherwise cleared his contempt except as far as regards the payment of the costs, or it has become in event unnecessary for him to do the act for the non-performance of which he was committed or attached, the court of equity in which the suit is depending shall, upon the application of the party in contempt, discharge him from the same, except as to the costs thereof, for which he shall remain in custody, and such costs shall be deemed within the provision lastly hereinbefore contained, and he shall be dischargeable therefrom, and from the process of contempt in like manner as if the process of contempt were for non-payment of money or costs; provided that this order or regulation shall not weaken any of the other powers by this Act given, nor shall anything herein contained lessen the operation of the said Act for the relief of insolvent debtors.

XV. That the powers and authorities given by this Act to the Court of Chancery, or to the Lord Chancellor of Ireland, shall and may be exercised as well by such Lord Chancellor as by (and they are hereby given to) the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being, and to the Master of the Rolls; but the reports of the Marshal of the Marshalsea, and of the Masters visiting there, shall be made to the Lord Chancellor, Lord Keeper, or Lords Commissioners only, who alone are to make orders thereupon for discharge or relief of prisoners.

XVI. That the rules hereinbefore directed to be adopted by the Court of Chancery shall be adopted by the Court of Exchequer, which Court shall, for the purposes of this Act, draw upon the Suitors Fund of that Court.

XVII. That the powers and authorities contained in such last-mentioned rules, and given by this Act to the Lord Chancellor, shall and may be exercised in like manner by and are hereby given to His Majesty's Court of Exchequer, and may be exercised by the said Court, or by the Lord Chief Baron thereof; but such periodical visits only to be made to the said Marshalsea, in regard to prisoners for contempt of the said Court, as the Lord Chief Baron shall direct, and by such officer or officers of the Court as he shall nominate.

XVIII. That wherever this Act, in describing or referring to any person, or any conveyance, transfer, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several conveyances, transfers, matters, or things respectively, as well as one conveyance, transfer, matter or thing respectively, unless there be something in the subject or context repugnant to such construction.

XIX. Provided, that nothing in this Act shall annul or vary the provisions of 7 Geo. 2. (I.), 2 Will. 4. c. 33, 4 & 5 Will. 4. c. 82, 4 & 5 Will. 4. c. 78, or any of them, except so far as they are inconsistent with any of the provisions of this Act.

CAP. XVII.—IRELAND.

AN ACT to extend to Ireland certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled, *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Females Covert, Lunatics, and Persons of unsound Mind.*

(30th July 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Recited Act of 11 Ann. (I.) and so much of 1 Will. 4. c. 65, as re-enacts the provisions of that Act repealed, except, &c.
2. Clauses, &c. of 1 Will. 4. c. 65, hereinbefore particularly recited, extended to Ireland.

By this Act,

After reciting that by an Act, 11 Ann. (I.), intituled, 'An Act to enable Guardians and others to renew Leases for Lives,' certain provisions were made in that behalf: And that by an Act, 1 Will. 4. c. 65, intituled, 'An Act for consolidating and

amending the Laws relating to Property belonging to Infants, Females Covert, Idiots, Lunatics and Persons of unsound Mind, after reciting the said Act, and that it was expedient that the provisions thereof, which had been so long in force in Ireland, should remain unaltered, it was enacted, that the clauses and provisions contained in the said therein-recited Act should be and continue in force in the same manner, to all intents and purposes, as if the said clauses and provisions and every part thereof had been repeated and re-enacted in the said Act, and that none of the other provisions in the said Act contained for authorizing any surrenders to be accepted, or any new lease to be made or executed, for or on behalf of any person who, in pursuance of any covenant or agreement for renewal in any lease contained or to be contained, ought to make such new lease or leases, should extend or be construed to extend to lands in Ireland: And that the said Act, 11 Anne, does not contain any provision for the renewal of leases for terms of years: And that by the said Act, 1 Will. 4, it is enacted, that where any person being under the age of twenty-one years, or a feme covert, might, in pursuance of any covenant or agreement, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute, or determinable on the death of one or more person or persons, it shall be lawful to and for such infant, or his guardian in the name of such infant, or such feme covert, by the direction of the Court of Chancery, to be signified by an order to be made in a summary way upon petition of such infant or his guardian, or of such feme covert, or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute a new lease of the premises comprised in such lease for and during such number of lives, or for such term or terms determinable upon such number of lives, or for such term of years absolute, as was or were mentioned in the lease so surrendered at the making thereof, or otherwise as the Court by such order shall direct: And that by the said Act it is further enacted, that where any person, being lunatic, is or shall be entitled or has a right, or, in pursuance of any covenant or agreement, might, if not under disability, be compelled to renew any lease made or to be made for the life or lives of one or more person or persons, or for any term or number of years absolute, or determinable on the death of one or more person or persons, or otherwise, it shall be lawful to and for the committee of the estate of such lunatic, in the name of such lunatic, by the direction of the Lord Chancellor, intrusted as therein stated, to be signified by an order to be made in a summary way upon the petition of such committee or of any person entitled to such renewal, from time to time to accept of a surrender of such lease, and to make and execute to any person a new lease of the premises comprised in such lease to be surrendered by virtue of the said Act, for and during such number of lives, or for such term or terms determinable upon such number of lives, or for such term or terms absolute, as were mentioned or contained in such lease so surrendered at the making thereof, or otherwise, as the Lord Chancellor, intrusted as aforesaid, by such order shall direct: And that it is deemed expedient that the powers of the Courts of Chancery and Exchequer in Ireland over land in Ireland should in the respects aforesaid be as large as the powers by the before-mentioned Act given to the Courts of Chancery and Exchequer in England over lands there:—

It is Enacted,

1. That the said recited Act, 11 Anne, and so much of the said Act, 1 Will. 4, as re-enacts the provisions in the said last-mentioned Act contained, shall be and the same are hereby repealed (except as to such proceedings under the same as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts, or according to the provisions of this Act, as shall be thought expedient).

2. That the several clauses and enactments in the said Act, 1 Will. 4, contained, and hereinbefore particularly recited, relating to England, shall be deemed and construed to extend and the same are hereby extended to Ireland, and the powers and authorities thereby given shall and may henceforth be exercised by the Courts of Chancery and Exchequer in Ireland, in relation to land there, as fully and effectually as the same can be exercised by the Courts of Chancery and Exchequer in England with respect to land in England, and in the same manner in all respects as if the same clauses and enactments had by the said Act, 1 Will. 4, been extended to Ireland; and the word "Land" shall in this Act have the same signification as by the said recited Act is given to it.

CAP. XVIII.

AN ACT to exempt Carriages carrying Manure from Toll.

(30th July 1835.)

By this Act,

After noticing that disputes have arisen as to the exemption from toll for horses and carriages when employed in carrying or conveying manure for improving lands:—

It is Enacted,

1. That from and after the 1st of January 1836 no toll shall be demanded or taken on any turnpike road for or in respect of any horse, beast, cattle, or carriage, when employed in carrying or conveying only dung, soil, compost, or manure for land, (save and except lime,) and the necessary implements used for filling the manure, and the cloth that may have been used in covering any hay, clover, or straw which may have been conveyed.

2. Provided, That nothing herein contained shall extend or be construed to extend so as to exempt any waggon, cart, or other carriage laden with dung or manure for manuring land, or any horse or other beast drawing the same, from any toll imposed in respect thereof by virtue of any local Act or Acts now passed whereby such toll has been imposed for the maintenance of the roads therein respectively mentioned.

And after stating that there are many persons who are now contractors for turnpike tolls, and whose leases or contracts will not expire until after the said 1st of January 1836, but who, by reason of this Act, may be desirous of terminating their said leases or contracts:—

It is Enacted,

III. That it may be lawful for any lessee or contractor for tolls whose lease or contract shall not expire until after the said 1st of January 1836, at any time within twenty-one days after the passing of this Act, to give notice to the clerk or treasurer of such turnpike road of his or her intention to vacate such lease or contract on the said 1st of January 1836, upon which day such lease or contract shall expire accordingly.

IV. That nothing in this Act contained shall extend to Scotland or Ireland.

CAP. XIX.

AN ACT to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.

(30th July 1835.)

ABSTRACT OF THE ENACTMENTS.

1. After 31st July 1835, the Acts 2 & 3 Ann. c. 6, 2 Geo. 2. c. 36, 2 Geo. 3. c. 31, 31 Geo. 3. c. 39, 45 Geo. 3. c. 81, 37 Geo. 3. c. 73, 58 Geo. 3. c. 38, 4 Geo. 4. c. 25, 3 & 4 Will. 4. c. 88, and 59 Geo. 3. c. 58, shall be repealed.
2. No seaman to be taken to sea without a written agreement.
3. Regulations respecting forms of agreements.
4. Penalty for default.
5. Seamen not to be deprived of legal remedies.—No agreement contrary to the Act to be valid.—Seamen not bound to produce agreement.
6. Seamen refusing to join or to proceed in the ship, or absenting themselves therefrom, may be committed to gaol.
7. Forfeiture for temporary absence from duty.
8. How amount of forfeiture is to be ascertained when seamen contract for the voyage.
9. Forfeiture for desertion.—Increased wages paid in consequence of desertion recoverable from the deserter.
10. Penalty for harbouring deserters.—No debt exceeding 5s. recoverable from a seaman till voyage is ended.—Seamen's effects not to be detained by keepers of lodging houses under pretence of debt.
11. The period within which wages are to be paid.
12. Such payment of wages to be deemed valid notwithstanding bill of sale, &c.
13. Masters to give seamen their certificates on their discharge.—Penalty for default.
14. For obtaining immediate payment of wages of seamen in certain cases.
15. Summary mode of recovering wages not exceeding 20l.
16. In what case costs of suit for recovery of wages not to be allowed.
17. When ship is sold at a foreign port, the crew to be sent home at the expense of the master or owners.
18. A supply of medicines to be kept on board, and seamen hurt in the service of the ship to be provided with advice, &c, gratis.
19. Establishment of register office for seamen.
20. Letters to and from registrar to be free from postage.
21. Masters of ships trading abroad to deliver lists of their crews on their return.
22. Masters of ships in the home trade to return similar lists.
23. Return to be made in case of ship lost or sold abroad.
24. Lists to be certified, and transmitted to the registrar.—Penalty on the master for neglect.
25. As to the disposal of effects of seamen dying abroad.
26. Parish boys may be put out apprentices to the sea service.
27. Parish apprentices may be turned over to the sea service.
28. Indentures may be assigned on the death of the master.
29. Parish officers to prepare indentures.—Constable to convey the apprentice.
30. How counterparts of indentures to be attested.
31. Every ship to have apprentices according to her tonnage.—Penalty for deficiency of apprentices.
32. Apprentices exempt from contributions for hospitals.
33. Indentures and assignments to be registered.
34. Indentures of apprentices to be registered.—Assignments to be registered.
35. Agreement and indentures of apprentice exempt from stamp duty.
36. Penalty on masters neglecting to register indentures; and for suffering apprentices to quit their service.
37. Justices to determine complaints.
38. Common assaults may be summarily punished by two Justices.
39. Masters entitled to receive the wages of apprentices entering into the Navy.
40. Forcing on shore or leaving behind any person belonging to the crew, deemed a misdemeanor.—Jurisdiction of courts for trying such misdemeanors.
41. Seamen not to be discharged abroad, without sanction of one of certain functionaries.
42. Nor to be left abroad on the plea of incapacity to proceed, desertion, or disappearance, without a similar authority.

46. *If any of the crew are left behind, the proof of sanction or authority shall be upon the master.*
46. *Seamen when allowed to be left behind to be paid their wages.*
46. *Act not to extend to prevent seamen from entering into the Navy.*
46. *Upon entry of seamen into the Navy from merchant ships, they shall be entitled to the immediate delivery up of their clothes and payment of any wages that may be due.*
47. *Power to His Majesty to sue for the amount advanced for the relief of seamen left abroad.*
48. *Ship's agreement on arrival at a foreign port to be deposited with the consul.—Penalty for neglect.*
49. *No seaman to be shipped at a foreign port without the privity of the consul.*
50. *Masters to produce agreements to officers of king's ships.*
51. *Registrar and officers of Customs empowered to require production of the agreement and muster roll.*
52. *Definition of the terms master, seaman, ship, and owner.*
53. *Recovery of Penalties.—Application of forfeitures.*
54. *As to ships belonging to any British Colony having a legislature.*
55. *Act may be amended during this session.*

By this ACT,

After reciting that the prosperity, strength, and safety of this United Kingdom and of His Majesty's dominions do principally depend on a large, constant, and ready supply of seamen, as well for carrying on the commerce as for the defence thereof; and that it is therefore necessary to aid by all practicable means the increase of the number of such seamen, and to give them all due encouragement and protection, and to this end to amend and consolidate the laws relating to their regulation and government:

It is Enacted,

- i. That from and after the 31st of July 1835, from which day this Act shall commence and take effect, the Acts 2 & 3 Ann. c. 6, 2 Geo. 2. c. 36, 2 Geo. 3. c. 31, 31 Geo. 3. c. 39, 45 Geo. 3. c. 81, 37 Geo. 3. c. 73, 58 Geo. 3. c. 38, 4 Geo. 4. c. 25, 3 & 4 Will. 4. c. 88, and 59 Geo. 3. c. 58, shall be and the same are hereby declared to be repealed: Provided always, that all offences which shall have been committed and all penalties and forfeitures which shall have been incurred previous to the commencement of this Act, against the provisions of the said Acts, shall and may be punishable and recoverable under the said Acts as if the same had not been repealed.
- ii. That it shall not be lawful for any master of any ship or vessel belonging to any subject of His Majesty of this United Kingdom trading to parts beyond the seas, or of any British registered ship of the burthen of eighty tons or upwards employed in any of the fisheries of the United Kingdom, or in trading coastwise or otherwise, to carry to sea on any voyage either from this kingdom or from any other place, any seaman or other person as one of his crew or complement (apprentices excepted), without first entering into an agreement in writing with every such seaman, specifying what monthly or other wages each such seaman is to be paid, the capacity in which he is to act, and the nature of the voyage in which the ship is intended to be employed, so that the seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said agreement shall contain the day of the month and year in which the same shall be made, and shall be signed by the master in the first instance, and by the seamen respectively at the port or place where such seamen shall be respectively shipped; and the master shall cause the same to be, by or in the presence of the party who is to attest their respective signatures thereto, truly and distinctly read over to every such seaman before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into and the terms to which he is bound.
- iii. That in the cases of ships as aforesaid bound to parts beyond the seas, except as hereinafter provided, every such agreement shall be in the form and shall contain true entries under their respective heads of the several particulars set forth in the Schedule to this Act annexed and marked (A.), so far as the same can be ascertained; and that the owners and the master of every such ship, or one of them, shall, on reporting his ship's arrival at her port of destination in the United Kingdom, deposit or cause to be deposited with the Collector or Comptroller of the Customs at such port a true copy of such agreement attested by the signature of the master, to the intent that every person who may be interested in any such agreement may at all times have the means of knowing the terms and conditions thereof; and that in the cases of ships employed in fishing on the coasts of the United Kingdom, and of ships regularly trading from one part of the United Kingdom to another, and of ships regularly trading or making regular voyages to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any port on the continent of Europe between the river Elbe inclusive and Brest, the agreement to be entered into as aforesaid shall be in the form and shall contain true entries under their respective heads of the particulars set forth in the Schedule to this Act annexed and marked (B.), so far as the same can be ascertained; and that the owner or one of the owners of every such ship employed in fishing or in trading in any of the cases last mentioned shall to the like intent, within ten days next after the expiration of every six months ending on the 30th of June and the 31st of December in each year, deposit with the Collector or Comptroller of the Customs of the port to which the ship shall belong a true copy of every agreement which shall have been entered into with any person composing part of the crew thereof within the preceding six months, attested by the signature of such owner; and all copies of agreements so required by this Act to be deposited as aforesaid shall, when the same shall have been so deposited, and shall be required to be produced in evidence on the part of any seaman, be received and taken as legal proof of the contents of the agreement.
- iv. That if any master of any such ship as aforesaid shall carry out to sea any seaman (apprentices excepted) without having first entered into such agreement as is hereby required, he shall for every such offence forfeit and pay the sum of 10*l.* for or in respect of each and every such seaman he shall so carry out contrary to this Act; and if any master shall neglect to cause the agreement to be distinctly read over to each such seaman, as by this Act he is enjoined, he shall for every such neglect forfeit and pay the sum of 5*l.*; and if any master shall neglect to deposit with the Collector or Comptroller of the Customs a copy of the agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false copy of any such agreement, he shall for every such neglect or offence forfeit and pay the sum of 50*l.*

v. That no seaman, by entering into or signing such agreement as aforesaid, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages which seamen are now lawfully entitled to against either the ship, the master, or the owners thereof; nor shall any agreement made contrary to or inconsistent with the provisions of this Act, or any clause whereby a seaman shall consent to forego the right which the maritime law gives him to wages in the case of freight earned by ships subsequently lost, or containing any words to that effect, be valid or binding on any seaman signing the same; and that in cases in which it may be necessary that the agreement should be produced to sustain a claim on the part of a seaman, no obligation shall lie upon the seaman to produce the same, nor shall any seaman fail in any suit or proceeding for the recovery of his wages for want of the production of any such agreement, or of any deposited copy thereof as aforesaid, or for the want of any notice to produce the same; any law or usage to the contrary notwithstanding.

vi. That in case a seaman shall at any time, after having signed an agreement as hereinbefore mentioned, neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom without leave, it shall be lawful for any Justice of the Peace in any of His Majesty's dominions at home or abroad near to the place where such ship shall happen to be, upon complaint of the fact made upon oath by the master, mate, or owner thereof, and such Justice is hereby required, by his warrant, to cause such seaman to be apprehended and brought before him; and in case such seaman shall not give a reason to the satisfaction of such Justice for his neglect, refusal, or absence, as the case may be, upon due proof of such neglect, refusal, or absence, it shall be lawful for any such Justice to commit such seaman to the house of correction, there to be kept to hard labour for a period not exceeding thirty days: Provided always, that in case such seaman, on being apprehended and brought before the said Justice, shall consent to join the ship and proceed on the voyage for which he shall have agreed, it shall be lawful for the said Justice, at the request of the master, instead of committing such seaman, to cause him to be conveyed on board the said ship or to be delivered to the master for the purpose of proceeding on the voyage, and also to award to the master such costs incurred in the apprehension of the seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of 40s., which shall be chargeable against and may be abated from the wages to grow due to such seaman.

vii. That if any seaman, after having signed such agreement as aforesaid, or after the ship on board which he shall have agreed to serve shall have left her first port of clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without leave absent himself from the ship, or otherwise from his duty, he shall (in all cases not of absolute desertion, or not treated as such by the master,) forfeit out of his wages to the master or owner of such ship the amount of two days' pay for every twenty-four hours of such absence, and in a like proportion for any less period of time, or, at the option of the said master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute to perform his work; and in case any seaman while he shall belong to the ship shall without sufficient cause neglect to perform such his duty as shall be reasonably required of him by the master or other person in command of the ship, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours continuance thereof; and in case any such seaman, after having signed such agreement, or after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship without a previous discharge or leave from the master thereof, he shall forfeit to the master or owner one month's pay out of his wages: Provided always, that no such forfeitures shall be incurred unless the fact of the seaman's temporary absence, neglect of duty, or quitting the ship, shall be duly entered or recorded in the ship's log book, which entry shall specify truly the hour of the day at which the same shall have occurred, and the period during which the seaman was absent or neglected his duty, the truth of which entry it shall be incumbent on the owner or master in all cases of dispute to substantiate by the evidence of the mate or some other credible witness.

viii. That in all cases where the seaman shall have contracted for wages by the voyage, or by the run, and not by the month or other stated period of time, the amount of forfeitures to be incurred by seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole time spent in the voyage agreed upon shall exceed one calendar month the forfeiture of one month's pay, expressed in this Act, shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages as a calendar month shall bear to the whole time spent in the voyage, and in like manner a forfeiture of two days' pay or less shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages as the same period of time shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed one calendar month, the forfeiture of one month's pay shall be accounted and taken to be a forfeiture of the whole wages contracted for; and if such time shall not exceed two days, the forfeiture of two days' pay shall be accounted and taken to be a forfeiture of the whole wages contracted for; and the master is hereby authorized to abate the amount of all forfeitures hereinbefore enacted out of the wages of any seaman incurring the same.

ix. That every seaman who shall absolutely desert the ship to which he shall belong shall forfeit to the owner or master thereof all his clothes and effects which he may leave on board, and all wages and emoluments to which he might otherwise be entitled, provided the circumstances attending such desertion be entered in the log book at the time and certified by the signature of the master and mate or other credible witness; and that an absence of a seaman from the ship for any time within the space of twenty-four hours immediately preceding the sailing of the ship without permission from the master thereof, or for any period however short, under circumstances plainly shewing that it was his intention not to return thereto, shall be deemed an absolute desertion; and in case any such desertion shall take place in parts beyond the seas, and the master of the ship shall be under the necessity of engaging any seaman as a substitute for the deserter at a higher rate of wages than that stipulated in the agreement to be paid to the seaman deserting, the owner or master of the ship shall be entitled to recover from the deserter by summary proceeding, in the same manner as wages are by this Act made recoverable, any excess of wages which such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his agreement.

x. That if any person shall, either on shipboard or on shore, harbour or secrete a seaman who shall have signed an agreement to proceed on a voyage to parts beyond the seas, and shall have deserted or absented himself without leave from his ship, knowing or having reason to believe him to be a deserter or to be absent without leave, every person so offending shall for every

such seaman so harboured or secreted, forfeit and pay the sum of 10*l*.; and that no debt exceeding in amount 5*s*., incurred by any seaman after he shall have signed any such agreement as aforesaid, shall be recoverable until the voyage agreed for shall have been concluded, nor shall it be lawful for any keeper of a public house or of a lodging house for seamen to withhold or detain any chest, bed or bedding, clothes, tools, or other effects of any seaman, for any pretended debt alleged to have been contracted by any such seaman; and in case any such chest, bed, bedding, clothes, tools, or other effects as aforesaid shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace in any part of His Majesty's dominions, upon complaint upon oath to be made by any such seaman or on his behalf, to inquire into the matter, and if he shall see right by warrant under his hand and seal to cause any such property or effects so withheld or detained contrary to this Act to be seized and delivered over to the seaman.

XI. That the master or owner of every ship shall and he is hereby required to pay to every seaman entering into such contract as aforesaid his wages, if the same shall be demanded within the respective periods following; (that is to say,) if the ship shall be employed in trading coastwise, the wages shall be paid within two days after the termination of the agreement, or at the time when any such seaman shall be discharged, whichever shall first happen; and if the ship shall be employed in trading otherwise than coastwise, then the wages shall be paid at the latest within three days after the cargo shall have been delivered or within ten days after the seaman's discharge, whichever shall first happen; in either of which last-mentioned cases of payment being delayed, the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one-fourth part of the estimated balance due to him; and in case any master or owner shall neglect or refuse to make payment in manner aforesaid, he shall for every such neglect or refusal forfeit and pay to the seaman the amount of two days' pay for each day not exceeding ten days during which payment shall without sufficient cause be delayed beyond the period at which such wages or part wages are hereby required to be paid as aforesaid; for the recovery of which forfeiture the seaman shall have the same remedies as he is by law entitled to for the recovery of his wages: Provided always, that nothing in this clause contained shall extend to the cases of ships employed in the Southern Whale Fishery, or on voyages for which seamen by the terms of their agreement are compensated by shares in the profits of the adventure.

XII. That every such payment of wages to a seaman shall be valid and effectual in law notwithstanding any bill of sale or assignment which may have been made by any such seaman of such wages, or of any attachment or incumbrance thereon; and that no assignment or sale of wages made prior to the earning thereof, nor any power of attorney expressed to be irrevocable for the receipt of any such wages, shall be valid or binding upon the party making the same.

XIII. That upon the discharge of a seaman from the ship in which he shall have served, he shall be entitled to receive from the master a certificate of his service and discharge, specifying the period of service and the time and place of the discharge of such seaman, which certificate shall be signed by the master; and if any master shall refuse to give such certificate to any such seaman without having reasonable cause for his refusal, he shall for every such offence forfeit and pay to him the sum of 5*l*.

XIV. That if after a seaman shall have been discharged from any ship or vessel three days he shall be desirous of proceeding to sea on another voyage, and in order thereto shall require immediate payment of the wages due to him, it shall be lawful for any Justice of the Peace in any part of His Majesty's dominions, on application from such seaman, and on satisfactory proof that he would be prevented from employment by delay, to summon the master or owner of such ship or vessel before him, and to require cause to be shewn why immediate payment of such wages should not be made; and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, he shall order payment to be made forthwith, and in default of compliance with such order such master or owner shall forfeit and pay the sum of 5*l*.

And after reciting that seamen, in cases of dispute, may be exposed to great inconvenience, expense, and delay, in obtaining payment of their wages; for remedy thereof—

It is Enacted,

XV. That in all cases of wages not exceeding 20*l*. which shall be due and payable to a seaman for his service in any ship as aforesaid, it shall be lawful for any Justice of the Peace in any part of His Majesty's dominions residing near to the place where the ship shall have ended her voyage, cleared at the Custom-house, or discharged her cargo, or near to the place where the master or owner upon whom respectively the claim is made shall be or reside, upon complaint on oath to be made to such Justice by any such seaman or on his behalf, to summon such master or owner to appear before him to answer such complaint, and upon the appearance of such master or owner, or in default thereof, on due proof of his having been so summoned, such Justice is hereby empowered to examine upon the oath of the parties and their respective witnesses (if there be any) touching the complaint and the amount of wages due, and to make such order for payment thereof as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the seaman in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the Justice's order; and in case sufficient distress cannot be found, it shall be lawful for the said Justice to cause the amount of the said wages and expenses to be levied on the ship in respect of the service on board which the wages are claimed, or the tackle and apparel thereof; and if such ship shall not be within the jurisdiction of such Justice, then he is hereby empowered to cause the party upon whom the order for payment shall be made to be apprehended and committed to the common goal of the county, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof; and the said order of such Justice as aforesaid shall be final and conclusive as well on every such seaman as on the owner and master of the ship.

XVI. That if any suit for the recovery of a seaman's wages shall be instituted against the ship, or the master or owner thereof, in the High Court of Admiralty or in any Vice-Admiralty Court, or against the master or owner in any court within His Majesty's dominions, and it shall appear to the Judge in the course of such suit that the plaintiff might have

had as effectual a remedy for the recovery of his wages by complaint to a Justice of the Peace as hereinbefore provided, then and in every such case it shall be lawful for such Judge and he is hereby required to certify to that effect, and thereupon as costs of suit shall be awarded to the plaintiff.

XVII. That whenever any ship whatever belonging to any subject of the United Kingdom, except in cases of wreck or condemnation, shall be sold at any port out of His Majesty's dominions, the master in all such cases (unless the crew in the presence of the British consul or vice-consul, or in case of there not being any such consul, or vice consul, then in the presence of one or more British resident merchants at such port, shall signify their consent in writing to be there discharged,) shall and he is hereby required, besides paying them the wages to which they shall be entitled under the agreement, either to provide them with adequate employment on board some other British vessel homeward bound, or to furnish the means of sending them back to the port in His Majesty's dominions at which they were originally shipped, or to some port in the United Kingdom, as shall be agreed upon, by providing them with a passage home, or depositing with the consul or vice-consul such a sum of money as shall be by him deemed reasonably sufficient to defray the expenses of their subsistence and passage; and if the master shall refuse or neglect to do so, such expenses when defrayed shall be a charge upon the owner whose ship shall be so sold, except in cases of barratry, wreck, or condemnation, and may be recovered against such owner as so much money paid and expended on his account, together with full costs, at the suit of the consul or other person defraying such expenses, or of His Majesty's Attorney General on behalf of His Majesty, in case the same shall have been allowed to the consul out of the public monies.

After noticing that it is necessary that due provision should be made for the preservation of the health and lives of the women employed in the merchant service:—

It is Enacted,

XVIII. That every ship sailing from the United Kingdom to any place out of the same, shall have and keep constantly on board the same a sufficient supply of medicines suitable to accidents and diseases arising on sea voyages, which shall be renewed from time to time as shall be found requisite; and in case any default shall be made in providing or keeping supplied such medicines as aforesaid, or in case any of the seamen shall receive any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice, and attendance and medicines which the seaman shall stand in need of until he shall have been cured or shall have been brought back to some port of the United Kingdom, shall be borne and defrayed by the owner and master of the ship, or one of them, without any deduction whatever on that account from the seaman's wages.

And after reciting that it is expedient that a register should be formed and maintained of all the mariners and seafaring men of the United Kingdom:—

It is therefore Enacted,

XIX. That as soon as conveniently may be after the passing of this Act there shall be established in the port of London an office, to be called "The General Register Office of Merchant Seamen," which shall consist of a registrar and such assistants and clerks with such salaries and allowances as shall be fixed and regulated from time to time by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being, and that such office shall be kept at the Custom-house of the said port, and daily attendance shall be given thereat during the usual hours of business there; and the said registrar, his assistants and clerks, shall be under the controul and directions of the said Lord High Admiral or the Commissioners for executing the office aforesaid for the time being.

XX. That for the more readily carrying this Act into execution, all letters and packets addressed to and sent by the said registrar upon any business relating to the Register Office created by this Act shall be free from the duty of postage; and that all letters and packets which shall be forwarded by the said registrar in the execution of his duty of such registrar shall be under a cover, with the words, "Pursuant to Act of Parliament of the Fifth Year of King William the Fourth," printed thereon, and the said registrar shall sign his name under such words, and every such cover shall be sealed with the seal of his office; and if the said registrar or any other person shall send or cause to be sent under any such cover any paper, letter, or writing, or any inclosure, other than what shall relate to the public business of the said office, every person shall for every such offence forfeit and pay the sum of 100*l*.

And after reciting that by an Act of the last session of Parliament, intituled 'An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes,' a certain book by way of muster roll is for the purposes of the said Act required to be kept on board merchant ships, which book is to contain such entries and statement of account as by the said Act is required: And that it is expedient, for the better effectuating the objects of this Act, that a due return should be made to the said registrar of merchant seamen of many of the particulars in the said Act specified:—

It is therefore Enacted,

XXI. That the master of every ship belonging to any subject of His Majesty, and bound to parts beyond the seas, except in the cases next hereinafter provided, shall not only keep the book so required by the said recited Act, but shall, on reporting his ship on her arrival at her port of destination in the United Kingdom, deliver or cause to be delivered to the Collector or Comptroller of the Customs at such port an account, signed by himself, of all the seamen and others (including Apprentices) who shall have belonged to the ship at any time during her absence from the United Kingdom, which account shall contain a true and correct return under their respective heads of the several particulars expressed in the form set forth in the Schedule annexed to this Act, and marked (C.).

XXII. That within twenty-one days after the 30th of June and the 31st of December in each year, the owner or one of the owners of every ship as aforesaid employed in fishing on the coasts of the United Kingdom, or in regularly trading from one

part of the United Kingdom to another, and of every ship regularly trading or making regular voyages to any of the islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any port on the continent of Europe between the river Elbe inclusive and Brest, shall deposit or cause to be deposited with the Collector or Comptroller of the Customs of the port to which the ship shall belong, or with the said registrar in London, an account, signed by such owner, or by the master, of the voyages in which any such ship shall have been engaged during the preceding half year ending on the respective days above-mentioned, and setting forth the christian and surnames of the several persons (including the master and apprentices) who shall have belonged to the ship at any time during such periods respectively, which account shall be in the form and shall contain a true and correct return under their respective heads of the several particulars expressed in the Schedule marked (D.), and to this Act annexed.

XXIII. That in case any ship as aforesaid shall be lost or sold while absent from the United Kingdom, then an account containing a similar return as required in the several and respective cases before mentioned, which shall be made out up to the period of such loss or sale, shall, by the persons who shall at that time have been respectively owner and master thereof, or by one of them, be delivered or transmitted to the said registrar in the port of London so soon as he shall be enabled to make such return after the loss, and within twelve calendar months at farthest after the sale of the ship.

XXIV. That the said several accounts and returns by this Act required to be deposited with or delivered to the Collector or Comptroller as aforesaid, shall by such officers of the Customs be transmitted from time to time to the said registrar for the purposes of this Act; and every such owner or master of any ship as aforesaid who shall refuse or wilfully neglect to deliver or cause to be delivered any such list or account as by this Act is required, shall for every such refusal or neglect forfeit and pay the sum of £51.

In order that due care may be taken of the effects of British seamen dying in foreign parts, and that a proper disposition may be made thereof:—

It is Enacted,

XXV. That whenever a British seaman being abroad shall die elsewhere than on board a British ship, leaving any money or effects within the limits of any British consulate, it shall be lawful for His Majesty's consul there and he is hereby required to claim and take charge of all such money and effects, and to dispose of the said effects for the benefit of the next of kin of the deceased or other person who may be by law entitled to the same; and in case no claim shall be made to the same within three calendar months after the death of such seaman, the said consul shall, after abating the amount of any expenses which shall have been incurred in getting in the assets of the deceased, remit the balance of all such monies which either have already arisen or shall hereafter arise by the means aforesaid to the President and Governors of the Corporation "For the relief and support of sick, maimed, and disabled seamen, and of the widows and children of such as shall be killed, slain, or drowned, in the merchant service," to be by such President and Governors paid over and disposed of in the same manner and under the same regulations as are provided by the said recited Act of the last session of Parliament with respect to the wages of seamen dying on board merchant ships; and in case any seaman so dying as last mentioned shall leave on board the ship to which he shall belong, any monies, clothes, or other effects, and the same shall not be claimed within one month after the ship's return to the United Kingdom by the executor or administrator of the deceased, then the master of the said ship shall and he is hereby required to deposit the same or the proceeds arising therefrom with the President and Governors aforesaid, and to be by them disposed of in the same manner as is provided by the said Act with respect to the wages of deceased seamen.

And after reciting that the giving of due encouragement to such of the youth of the United Kingdom as shall voluntarily betake themselves to the sea service, and obliging others to do so who by reason of their own or their parents' poverty are destitute of the means of obtaining subsistence and employment, will not only greatly tend to the increase of able and experienced seamen, as well for the service of the Royal Navy as for carrying on the commerce of His Majesty's subjects, but will likewise provide them with employment, and thus materially diminish the burthen of expense cast upon parishes by their maintenance:—

It is Enacted,

XXVI. That it shall be lawful for the overseers of the poor or other persons having the authority of overseers of the poor of any parish, township, or place in the United Kingdom, or in whom the duty of overseers or guardians of the poor shall or may be vested, and they are hereby empowered, to bind by indenture and put out any boy having attained the age of thirteen years, and of sufficient health and strength, who or whose parent or parents is or are chargeable to or maintained by any such parish or township, or who shall beg for alms therein, with his consent but not otherwise, an apprentice in the sea service to any of His Majesty's subjects being the master or owner of any ship registered in any port of the United Kingdom, for so long time and until such boys shall respectively attain the age of twenty-one years, which binding shall be as effectual in the law to all intents and purposes as if such boy had been bound by virtue of any statute now in force respecting the binding of parish apprentices, or as if such boy were of full age and had bound himself an apprentice, and notwithstanding the residence of the master or owner to whom he may be bound shall be more than forty miles distant from such parish or place: Provided always, that every such binding shall be made in the presence of two Justices of the Peace acting for the county, riding, division, city, borough, or place, within which such parish or township shall be situate, which Justices shall execute the indenture in testimony thereof having been satisfied that such boy hath attained the age, and is of sufficient health and strength as required by this Act; and up to the end that the period when the service under such indenture shall expire may the more certainly appear, the same or every such boy shall be inserted in his indenture, the same being truly taken from a copy of the entry of his baptism in the baptismal book of the parish in which he was born (where the same can be obtained), which copy shall be given and attested by the officiating minister of such parish without fee or reward; and in cases where no such entry of baptism can be found, the Justices aforesaid shall inform themselves as fully as they can of such boy's age, and from such information shall insert the same in his said indenture, and the age of every such boy so inserted therein shall (in relation to the continuance of his service) be taken to be his true age without any further proof thereof.

VI. That no seaman, by entering into or signing such agreement as aforesaid, shall forfeit his lien upon the ship, nor be deprived of any remedy for the recovery of his wages which seamen are now lawfully entitled to against either the ship, the master, or the owners thereof; nor shall any agreement made contrary to or inconsistent with the provisions of this Act, or any clause whereby a seaman shall consent to forego the right which the maritime law gives him to wages in the case of freight earned by ships subsequently lost, or containing any words to that effect, be valid or binding on any seaman signing the same; and that in cases in which it may be necessary that the agreement should be produced to sustain a claim on the part of a seaman, no obligation shall lie upon the seaman to produce the same, nor shall any seaman fail in any suit or proceeding for the recovery of his wages for want of the production of any such agreement, or of any deposited copy thereof as aforesaid, or for the want of any notice to produce the same; any law or usage to the contrary notwithstanding.

VII. That in case a seaman shall at any time, after having signed an agreement as hereinbefore mentioned, neglect or refuse to join the ship on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom without leave, it shall be lawful for any Justice of the Peace in any of His Majesty's dominions at home or abroad near to the place where such ship shall happen to be, upon complaint of the fact made upon oath by the master, mate, or owner thereof, and such Justice is hereby required, by his warrant, to cause such seaman to be apprehended and brought before him; and in case such seaman shall not give a reason to the satisfaction of such Justice for his neglect, refusal, or absence, as the case may be, upon due proof of such neglect, refusal, or absence, it shall be lawful for any such Justice to commit such seaman to the house of correction, there to be kept to hard labour for a period not exceeding thirty days: Provided always, that in case such seaman, on being apprehended and brought before the said Justice, shall consent to join the ship and proceed on the voyage for which he shall have agreed, it shall be lawful for the said Justice, at the request of the master, instead of committing such seaman, to cause him to be conveyed on board the said ship or to be delivered to the master for the purpose of proceeding on the voyage, and also to award to the master such costs incurred in the apprehension of the seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of 40s., which shall be chargeable against and may be abated from the wages to grow due to such seaman.

VIII. That if any seaman, after having signed such agreement as aforesaid, or after the ship on board which he shall have agreed to serve shall have left her first port of clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without leave absent himself from the ship, or otherwise from his duty, he shall (in all cases not of absolute desertion, or not treated as such by the master,) forfeit out of his wages to the master or owner of such ship the amount of two days' pay for every twenty-four hours of such absence, and in a like proportion for any less period of time, or, at the option of the said master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute to perform his work; and in case any seaman while he shall belong to the ship shall without sufficient cause neglect to perform such his duty as shall be reasonably required of him by the master or other person in command of the ship, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours continuance thereof; and in case any such seaman, after having signed such agreement, or after the ship's arrival at her port of delivery, and before her cargo shall be discharged, shall quit the ship without a previous discharge or leave from the master thereof, he shall forfeit to the master or owner one month's pay out of his wages: Provided always, that no such forfeitures shall be incurred unless the fact of the seaman's temporary absence, neglect of duty, or quitting the ship, shall be duly entered or recorded in the ship's log book, which entry shall specify truly the hour of the day at which the same shall have occurred, and the period during which the seaman was absent or neglected his duty, the truth of which entry it shall be incumbent on the owner or master in all cases of dispute to substantiate by the evidence of the mate or some other credible witness.

IX. That in all cases where the seaman shall have contracted for wages by the voyage, or by the run, and not by the month or other stated period of time, the amount of forfeitures to be incurred by seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole time spent in the voyage agreed upon shall exceed one calendar month the forfeiture of one month's pay, expressed in this Act, shall be accounted and taken to be a forfeiture of a sum of money bearing the same proportion to the whole wages as a calendar month shall bear to the whole time spent in the voyage, and in like manner a forfeiture of two days' pay or less shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole wages as the same period of time shall bear to the whole time spent in the voyage; and if the whole time spent in the voyage shall not exceed one calendar month, the forfeiture of one month's pay shall be accounted and taken to be a forfeiture of the whole wages contracted for; and if such time shall not exceed two days, the forfeiture of two days' pay shall be accounted and taken to be a forfeiture of the whole wages contracted for; and the master is hereby authorized to abate the amount of all forfeitures hereinbefore enacted out of the wages of any seaman incurring the same.

X. That every seaman who shall absolutely desert the ship to which he shall belong shall forfeit to the owner or master thereof all his clothes and effects which he may leave on board, and all wages and emoluments to which he might otherwise be entitled, provided the circumstances attending such desertion be entered in the log book at the time and certified by the signature of the master and mate or other credible witness; and that an absence of a seaman from the ship for any time within the space of twenty-four hours immediately preceding the sailing of the ship without permission from the master thereof, or for any period however short, under circumstances plainly shewing that it was his intention not to return thereto, shall be deemed an absolute desertion; and in case any such desertion shall take place in parts beyond the seas, and the master of the ship shall be under the necessity of engaging any seaman as a substitute for the deserter at a higher rate of wages than that stipulated in the agreement to be paid to the seaman deserting, the owner or master of the ship shall be entitled to receive from the deserter by summary proceeding, in the same manner as wages are by this Act made recoverable, any excess of wages which such owner or master shall pay to such substitute beyond the amount which would have been payable to the deserter in case he had duly performed his service pursuant to his agreement.

XI. That if any person shall, either on shipboard or on shore, harbour or secrete a seaman who shall have signed an agreement to proceed on a voyage to parts beyond the seas, and shall have deserted or absented himself without leave from his ship, knowing or having reason to believe him to be a deserter or to be absent without leave, every person so offending shall for every

which latter case the said Collector or Comptroller shall notify the same to the said registrar as is hereinbefore provided with regard to the indenture of such apprentice.

XXXV. That all agreements with the crew of a ship made in pursuance of and in conformity with this Act, and all indentures of parish and voluntary apprentices to the sea service, and all counterparts and assignments of such indentures to be respectively executed after the passing of this Act, shall be wholly exempt from stamp duty.

XXXVI. That if any master to whom any apprentice mentioned in this Act shall be bound or assigned shall neglect to cause the indenture or the assignment thereof (as the case may be), to be registered as required by this Act, or shall, after the ship shall have cleared outwards on the voyage upon which such ship may be bound, suffer his apprentice to quit his service (not entering into that of His Majesty), except in case of death, desertion, sickness, or other unavoidable cause, to be certified in the log book of the ship, every such master shall for such offence forfeit and pay the sum of 10*l*.

XXXVII. That any two or more Justices of the Peace residing at or near to any port at which any ship as aforesaid, having on board thereof any sea apprentice, shall at any time arrive, shall have full power and authority to inquire into and examine, hear and determine, all claims of apprentices upon their masters under their indentures, and all complaints of hard or ill usage exercised by their respective masters towards any such their apprentices, or of misbehaviour on the part of any such apprentice, and to make such orders therein as they are empowered by law to do in other cases between masters and apprentices.

And after reciting that by an Act, 9 Geo. 4, for consolidating and amending the statutes in England relative to offences against the person, a summary jurisdiction is provided for the punishment of persons guilty of common assaults and batteries: And that it is expedient that the provisions of the said Act should be extended to similar offences committed on board merchant ships as hereinafter provided:—

It is Enacted,

XXVIII. That in the case of any assault or battery which shall after the commencement of this Act be committed on board any merchant ship belonging to any subject of the United Kingdom in any place at sea, or out of His Majesty's dominions, it shall be lawful for any two Justices of the Peace in any part of His Majesty's dominions, upon complaint of the party aggrieved to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two Justices are empowered to do, subject however to such provisions and limitations as are contained in the said Act with respect to the cases of assault and battery therein mentioned; and the fine or forfeiture to be imposed in any such case shall be payable to the Merchant Seaman's Hospital or institution at or nearest to the port or place where such adjudication shall be made.

XXIX. That no parish or voluntary apprentice to the sea service shall be at liberty to enter into the naval service of His Majesty during the period of his apprenticeship without the consent of his master; but if nevertheless he shall voluntarily enter on board any of His Majesty's ships of war, and shall be allowed by his master to continue therein, such master, in case he shall give notice to the Secretary of the Admiralty of his consent to his apprentice remaining in His Majesty's service during the residue of the term of his apprenticeship, shall, upon the production of his indenture, be entitled, at the time of paying off the ship, to receive to his own use any balance of wages that may be then due and payable to any such apprentice up to the period of the expiration of his indenture.

And after noticing that great mischiefs have arisen from masters of merchant ships leaving seamen in foreign parts, who have been thus reduced to distress, and thereby tempted to become pirates, or otherwise misconduct themselves, and that it is expedient to amend and enlarge the law in this behalf:—

It is Enacted,

XL. That if any master of a ship belonging to any subject of the United Kingdom shall force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in any place in or out of His Majesty's dominions, any person belonging to his crew, before the return to or arrival of such ship in the United Kingdom, or before the completion of the voyage or voyages for which such person shall have been engaged, whether such person shall have formed part of the original crew or not, every person so offending shall be deemed guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment or both as to the Court before which he shall be convicted shall seem meet; and the said offence may be prosecuted by information at the suit of the Attorney General on behalf of His Majesty, or by indictment or other proceeding in any court having criminal jurisdiction in His Majesty's dominions at home or abroad, where such master or other person as aforesaid shall happen to be, although the place where the offence may be therein averred to have been committed (which averment is hereby required to be substantially according to the fact) shall appear to be out of the ordinary local jurisdiction of such Court; and such Court is hereby authorized to issue a commission or commissions for the examination of any witnesses who may be absent or out of the jurisdiction of the Court; and at the trial the depositions taken under such commission or commissions, if such witnesses shall be then absent, shall be received in evidence.

XLI. That no such master shall discharge any individual person of his crew, whether British subject or foreigner, at any of His Majesty's colonies or plantations, without the previous sanction in writing of the Governor, Lieutenant Governor, Secretary, or other officer appointed in that behalf by the government there, or in the absence of all such authorities at or near to the port or place at which the ship shall be then lying, then of the chief officer of Customs of such colony or plantation resident at or near to such port or place; nor shall he discharge any such person at any other place abroad without the like previous sanction in writing of His Majesty's Minister, Consul, or Vice-Consul there, or in the absence of any such functionary, then of two respectable merchants resident there; all which said functionaries respectively are hereby authorized and required, and all which said merchants are hereby authorized, in a summary way to inquire into the grounds of any such proposed discharge by examination on oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

XLII. That no such master shall be at liberty to leave behind at any place abroad, either on shore or at sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from

XXVII. That it shall be lawful for any master or person to whom any poor parish apprentice shall have been or shall be hereafter bound to a service on shore according to the statutes already in force relating to such apprentices, or for the executors or administrators, or, there being none such, for the widow of any such deceased master, with the concurrence of two or more Justices of the Peace residing in or near to the place where such poor boy shall have been bound apprentice, to assign and turn over such poor boy, with his consent but not otherwise, apprentice to any master or owner of any ship not having her complement of apprentices as hereinafter required, to be employed by such master or owner in the sea service during the period then remaining unexpired of his apprenticeship.

XXVIII. That in the event of the death of the master of any such poor or parish apprentice to the sea service, it shall be lawful for the widow or the executor or administrator of such deceased master, to assign the indenture of any such apprentice for the residue of the term then unexpired therein to any master or owner of any such ship not having the complement of apprentices as hereinafter required; all which assignments, if executed within the limits of the port of London, shall be attested by the said registrar or one of his assistants or clerks, and if at any other port, shall be attested by the Collector or Comptroller of the Customs of such port.

XXIX. That such overseers or other persons as aforesaid shall cause the indentures of apprenticeship to be prepared and transmitted in duplicate, if the master or owner of the ship to whom such apprentice is to be bound, shall be or reside within the limits of the port of London, to the said registrar, and if at any other port, to the Collector or Comptroller of the Customs at such port; and the said overseers or other persons as aforesaid shall cause each such poor boy to be conducted and conveyed to such port or place by the constable and at the expense of the parish or township sending him thither, and shall also, upon the execution by the master of the counterpart of the indentures, cause to be paid down to the master the sum of 5*l.*, to be expended in providing such boy with necessary sea clothing and bedding; which sum, as well as the expenses to be incurred in the conveyance of the boy as aforesaid, shall, when paid, be allowed to them in their accounts of monies expended in relation to the poor.

XXX. That the counterparts of all such indentures shall, if the master shall be or reside within the limits of the port of London, be executed in the presence of and attested by the said registrar or one of his assistants or clerks, and if at any other port, by the Collector or Comptroller of the Customs at such port, and also in both cases by the constable or other officer who shall convey such apprentices thither, and such indentures shall bear date respectively on the days on which they are executed; and the constable on his return shall deliver such counterparts to the overseers or other persons as aforesaid, to be by them registered and preserved.

XXXI. That the master of every ship belonging to any subject of the United Kingdom, and of the burthen of eighty tons and upwards, shall have on board thereof, at the time of clearing out from any port of the United Kingdom, one apprentice or more, in the following proportions to the number of tons of his ship's admeasurement, according to the certificate of registry; that is to say, every ship of eighty tons and under two hundred tons shall have one apprentice at the least, every ship of two hundred tons and under four hundred tons shall have two apprentices at the least, every ship of four hundred tons and under five hundred tons shall have three apprentices at the least, every ship of five hundred tons and under seven hundred tons shall have four apprentices at the least, and every ship of seven hundred tons and upwards shall have five apprentices at the least, all of whom at the period of their being bound respectively shall have been under seventeen years of age, and shall have been duly bound for the term of four years at the least; and if any such master shall neglect to have on board his ship the number of apprentices as hereby required, he shall for every such offence forfeit and pay the sum of 10*l.* in respect of each apprentice so deficient.

XXXII. That no apprentice bound or assigned pursuant to this Act, nor any master or owner in respect of any such apprentice, shall be liable to the payment of any contribution towards the support of any hospital or institution.

XXXIII. That the said registrar in London, and the Collector and Comptroller of the Customs at each other port, shall, in a book to be kept for that purpose, cause to be entered from time to time all such indentures and assignments of parish apprentices as aforesaid, specifying therein the dates thereof, the names and ages of the apprentices, the parishes or places from whence sent, the names and residences of the masters to whom bound or assigned, and the names, ports, and burthen of the respective ships to which such masters belong, and shall make and subscribe on each indenture or assignment respectively an indorsement purporting that the same hath been duly registered pursuant to this Act; and every such Collector and Comptroller shall also at the end of each quarter of the year transmit a list of the indentures and assignments so registered by him within the preceding quarter, containing all the particulars aforesaid, to the said registrar, for the purposes of this Act.

XXXIV. That in every case of a person voluntarily binding himself apprentice to the sea service the indentures to be executed on such occasions shall be registered in a book to be kept for that purpose by the said registrar in London and by the Collector and Comptroller of the Customs at each other port at which the indenture shall be executed, in which book shall be expressed the dates of the several indentures, the names and ages of the apprentices, the names and residence of their master and (if known) the names, port, and burthen of the several ships on board which they are respectively to serve; and the said registrar and Collector or Comptroller respectively shall indorse and subscribe upon each indenture a certificate purporting that the same hath been duly registered pursuant to this Act, and the said Collector and Comptroller shall also at the end of each quarter of the year transmit a list of the indentures so registered by them within the preceding quarter, containing the particulars aforesaid, to the said registrar, for the purposes of this Act; and that it shall be lawful for the master, or in case of his death his executor or administrator, with the consent of the apprentice if of the age of seventeen years or upward and if under that age with the consent of his parent or guardian, to assign or transfer the indenture of any such apprentice to any other person who may be the master or owner of any registered ship; and all such voluntary apprentices may, during the term for which they shall be bound, be employed in any ship of which the master of any such apprentice may be the master or owner: Provided always, that every such assignment shall be registered and indorsed by the said registrar, or by the Collector or Comptroller of the Customs at the port where the master shall be resident, or to which his ship shall belong.

which latter case the said Collector or Comptroller shall notify the same to the said registrar as is hereinbefore provided with regard to the indenture of such apprentice.

XXIV. That all agreements with the crew of a ship made in pursuance of and in conformity with this Act, and all indentures of parish and voluntary apprentices to the sea service, and all counterparts and assignments of such indentures to be respectively executed after the passing of this Act, shall be wholly exempt from stamp duty.

XXVI. That if any master to whom any apprentice mentioned in this Act shall be bound or assigned shall neglect to cause the indenture or the assignment thereof (as the case may be), to be registered as required by this Act, or shall, after the ship shall have cleared outwards on the voyage upon which such ship may be bound, suffer his apprentice to quit his service (not entering into that of His Majesty), except in case of death, desertion, sickness, or other unavoidable cause, to be certified in the log book of the ship, every such master shall for such offence forfeit and pay the sum of 10*l*.

XXVII. That any two or more Justices of the Peace residing at or near to any port at which any ship as aforesaid, having on board thereof any sea apprentice, shall at any time arrive, shall have full power and authority to inquire into and examine, hear and determine, all claims of apprentices upon their masters under their indentures, and all complaints of hard or ill usage exercised by their respective masters towards any such their apprentices, or of misbehaviour on the part of any such apprentice, and to make such orders therein as they are empowered by law to do in other cases between masters and apprentices.

And after reciting that by an Act, 9 Geo. 4, for consolidating and amending the statutes in England relative to offences against the person, a summary jurisdiction is provided for the punishment of persons guilty of common assaults and batteries: And that it is expedient that the provisions of the said Act should be extended to similar offences committed on board merchant ships as hereinafter provided:—

It is Enacted,

XXVIII. That in the case of any assault or battery which shall after the commencement of this Act be committed on board any merchant ship belonging to any subject of the United Kingdom in any place at sea, or out of His Majesty's dominions, it shall be lawful for any two Justices of the Peace in any part of His Majesty's dominions, upon complaint of the party aggrieved to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two Justices are empowered to do, subject however to such provisos and limitations as are contained in the said Act with respect to the cases of assault and battery therein mentioned; and the fine or forfeiture to be imposed in any such case shall be payable to the Merchant Seaman's Hospital or institution at or nearest to the port or place where such adjudication shall be made.

XXIX. That no parish or voluntary apprentice to the sea service shall be at liberty to enter into the naval service of His Majesty during the period of his apprenticeship without the consent of his master; but if nevertheless he shall voluntarily enter on board any of His Majesty's ships of war, and shall be allowed by his master to continue therein, such master, in case he shall give notice to the Secretary of the Admiralty of his consent to his apprentice remaining in His Majesty's service during the residue of the term of his apprenticeship, shall, upon the production of his indenture, be entitled, at the time of paying off the ship, to receive to his own use any balance of wages that may be then due and payable to any such apprentice up to the period of the expiration of his indenture.

And after noticing that great mischiefs have arisen from masters of merchant ships leaving seamen in foreign parts, who have been thus reduced to distress, and thereby tempted to become pirates, or otherwise misconduct themselves, and that it is expedient to amend and enlarge the law in this behalf:—

It is Enacted,

XL. That if any master of a ship belonging to any subject of the United Kingdom shall force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in any place in or out of His Majesty's dominions, any person belonging to his crew, before the return to or arrival of such ship in the United Kingdom, or before the completion of the voyage or voyages for which such person shall have been engaged, whether such person shall have formed part of the original crew or not, every person so offending shall be deemed guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment or both as to the Court before which he shall be convicted shall seem meet; and the said offence may be prosecuted by information at the suit of the Attorney General on behalf of His Majesty, or by indictment or other proceeding in any court having criminal jurisdiction in His Majesty's dominions at home or abroad, where such master or other person as aforesaid shall happen to be, although the place where the offence may be therein averred to have been committed (which averment is hereby required to be substantially according to the fact) shall appear to be out of the ordinary local jurisdiction of such Court; and such Court is hereby authorized to issue a commission or commissions for the examination of any witnesses who may be absent or out of the jurisdiction of the Court; and at the trial the depositions taken under such commission or commissions, if such witnesses shall be then absent, shall be received in evidence.

XLI. That no such master shall discharge any individual person of his crew, whether British subject or foreigner, at any of His Majesty's colonies or plantations, without the previous sanction in writing of the Governor, Lieutenant Governor, Secretary, or other officer appointed in that behalf by the government there, or in the absence of all such authorities at or near to the port or place at which the ship shall be then lying, then of the chief officer of Customs of such colony or plantation resident at or near to such port or place; nor shall he discharge any such person at any other place abroad without the like previous sanction in writing of His Majesty's Minister, Consul, or Vice-Consul there, or in the absence of any such functionary, then of two respectable merchants resident there; all which said functionaries respectively are hereby authorized and required, and all which said merchants are hereby authorized, in a summary way to inquire into the grounds of any such proposed discharge by examination on oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

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XXVIII. That in the event of the death of the master of any such poor or parish apprentice to the sea service, it shall be lawful for the widow or the executor or administrator of such deceased master, to assign the indenture of any such apprentice for the residue of the term then unexpired therein to any master or owner of any such ship not having the complement of apprentices as hereinafter required; all which assignments, if executed within the limits of the port of London, shall be attested by the said registrar or one of his assistants or clerks, and if at any other port, shall be attested by the Collector or Comptroller of the Customs of such port.

XXIX. That such overseers or other persons as aforesaid shall cause the indentures of apprenticeship to be prepared and transmitted in duplicate, if the master or owner of the ship to whom such apprentice is to be bound, shall be or reside within the limits of the port of London, to the said registrar, and if at any other port, to the Collector or Comptroller of the Customs at such port; and the said overseers or other persons as aforesaid shall cause each such poor boy to be conveyed and conveyed to such port or place by the constable and at the expense of the parish or township sending him thither, and shall also, upon the execution by the master of the counterpart of the indentures, cause to be paid down to the master the sum of 5*l.*, to be expended in providing such boy with necessary sea clothing and bedding; which sum, as well as the expenses to be incurred in the conveyance of the boy as aforesaid, shall, when paid, be allowed to them in their accounts of monies expended in relation to the poor.

XXX. That the counterparts of all such indentures shall, if the master shall be or reside within the limits of the port of London, be executed in the presence of and attested by the said registrar or one of his assistants or clerks, and if at any other port, by the Collector or Comptroller of the Customs at such port, and also in both cases by the constable or other officer who shall convey such apprentices thither, and such indentures shall bear date respectively on the days on which they are executed; and the constable on his return shall deliver such counterparts to the overseers or other persons as aforesaid, to be by them registered and preserved.

XXXI. That the master of every ship belonging to any subject of the United Kingdom, and of the burthen of eighty tons and upwards, shall have on board thereof, at the time of clearing out from any port of the United Kingdom, one apprentice or more, in the following proportions to the number of tons of his ship's admeasurement, according to the certificate of registry; that is to say, every ship of eighty tons and under two hundred tons shall have one apprentice at the least, every ship of two hundred tons and under four hundred tons shall have two apprentices at the least, every ship of four hundred tons and under five hundred tons shall have three apprentices at the least, every ship of five hundred tons and under seven hundred tons shall have four apprentices at the least, and every ship of seven hundred tons and upwards shall have five apprentices at the least, all of whom at the period of their being bound respectively shall have been under seventeen years of age, and shall have been duly bound for the term of four years at the least; and if any such master shall neglect to have on board his ship the number of apprentices as hereby required, he shall for every such offence forfeit and pay the sum of 10*l.* in respect of each apprentice so deficient.

XXXII. That no apprentice bound or assigned pursuant to this Act, nor any master or owner in respect of any such apprentice, shall be liable to the payment of any contribution towards the support of any hospital or institution.

XXXIII. That the said registrar in London, and the Collector and Comptroller of the Customs at each other port, shall, in book to be kept for that purpose, cause to be entered from time to time all such indentures and assignments of parish apprentices as aforesaid, specifying therein the dates thereof, the names and ages of the apprentices, the parishes or places from whence sent, the names and residences of the masters to whom bound or assigned, and the names, ports, and burthen of the respective ships to which such masters belong, and shall make and subscribe on each indenture or assignment respectively an indorsement purporting that the same hath been duly registered pursuant to this Act; and every such Collector and Comptroller shall also at the end of each quarter of the year transmit a list of the indentures and assignments so registered by him within the preceding quarter, containing all the particulars aforesaid, to the said registrar, for the purposes of this Act.

XXXIV. That in every case of a person voluntarily binding himself apprentice to the sea service the indentures to be executed on such occasions shall be registered in a book to be kept for that purpose by the said registrar in London and by the Collector and Comptroller of the Customs at each other port at which the indenture shall be executed, in which book shall be expressed the dates of the several indentures, the names and ages of the apprentices, the names and residence of their masters and (if known) the names, port, and burthen of the several ships on board which they are respectively to serve; and the said registrar and Collector or Comptroller respectively shall indorse and subscribe upon each indenture a certificate purporting that the same hath been duly registered pursuant to this Act, and the said Collector and Comptroller shall also at the end of each quarter of the year transmit a list of the indentures so registered by them within the preceding quarter, containing the particulars aforesaid, to the said registrar, for the purposes of this Act; and that it shall be lawful for the master, or in case of his death his executor or administrator, with the consent of the apprentice if of the age of seventeen years or upwards and if under that age with the consent of his parent or guardian, to assign or transfer the indenture of any such apprentice to any other person who may be the master or owner of any registered ship; and all such voluntary apprentices may, during the term for which they shall be bound, be employed in any ship of which the master of any such apprentice may be the master or owner: Provided always, that every such assignment shall be registered and indorsed by the said registrar, or by the Collector or Comptroller of the Customs at the port where the master shall be resident, or to which his ship shall belong.

which latter case the said Collector or Comptroller shall notify the same to the said registrar as is hereinbefore provided with regard to the indenture of such apprentice.

XXXV. That all agreements with the crew of a ship made in pursuance of and in conformity with this Act, and all indentures of parish and voluntary apprentices to the sea service, and all counterparts and assignments of such indentures to be respectively executed after the passing of this Act, shall be wholly exempt from stamp duty.

XXXVI. That if any master to whom any apprentice mentioned in this Act shall be bound or assigned shall neglect to cause the indenture or the assignment thereof (as the case may be), to be registered as required by this Act, or shall, after the ship shall have cleared outwards on the voyage upon which such ship may be bound, suffer his apprentice to quit his service (not entering into that of His Majesty), except in case of death, desertion, sickness, or other unavoidable cause, to be certified in the log book of the ship, every such master shall for such offence forfeit and pay the sum of 10*l*.

XXXVII. That any two or more Justices of the Peace residing at or near to any port at which any ship as aforesaid, having on board thereof any sea apprentice, shall at any time arrive, shall have full power and authority to inquire into and examine, hear and determine, all claims of apprentices upon their masters under their indentures, and all complaints of hard or ill usage exercised by their respective masters towards any such their apprentices, or of misbehaviour on the part of any such apprentice, and to make such orders therein as they are empowered by law to do in other cases between masters and apprentices.

And after reciting that by an Act, 9 Geo. 4, for consolidating and amending the statutes in England relative to offences against the person, a summary jurisdiction is provided for the punishment of persons guilty of common assaults and batteries: And that it is expedient that the provisions of the said Act should be extended to similar offences committed on board merchant ships as hereinafter provided:—

It is Enacted,

XXXVIII. That in the case of any assault or battery which shall after the commencement of this Act be committed on board any merchant ship belonging to any subject of the United Kingdom in any place at sea, or out of His Majesty's dominions, it shall be lawful for any two Justices of the Peace in any part of His Majesty's dominions, upon complaint of the party aggrieved to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two Justices are empowered to do, subject however to such provisos and limitations as are contained in the said Act with respect to the cases of assault and battery therein mentioned; and the fine or forfeiture to be imposed in any such case shall be payable to the Merchant Seaman's Hospital or institution at or nearest to the port or place where such adjudication shall be made.

XXXIX. That no parish or voluntary apprentice to the sea service shall be at liberty to enter into the naval service of His Majesty during the period of his apprenticeship without the consent of his master; but if nevertheless he shall voluntarily enter on board any of His Majesty's ships of war, and shall be allowed by his master to continue therein, such master, in case he shall give notice to the Secretary of the Admiralty of his consent to his apprentice remaining in His Majesty's service during the residue of the term of his apprenticeship, shall, upon the production of his indenture, be entitled, at the time of paying off the ship, to receive to his own use any balance of wages that may be then due and payable to any such apprentice up to the period of the expiration of his indenture.

And after noticing that great mischiefs have arisen from masters of merchant ships leaving seamen in foreign parts, who have been thus reduced to distress, and thereby tempted to become pirates, or otherwise misconduct themselves, and that it is expedient to amend and enlarge the law in this behalf:—

It is Enacted,

XL. That if any master of a ship belonging to any subject of the United Kingdom shall force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in any place in or out of His Majesty's dominions, any person belonging to his crew, before the return to or arrival of such ship in the United Kingdom, or before the completion of the voyage or voyages for which such person shall have been engaged, whether such person shall have formed part of the original crew or not, every person so offending shall be deemed guilty of a misdemeanor, and shall suffer such punishment by fine or imprisonment or both as to the Court before which he shall be convicted shall seem meet; and the said offence may be prosecuted by information at the suit of the Attorney General on behalf of His Majesty, or by indictment or other proceeding in any court having criminal jurisdiction in His Majesty's dominions at home or abroad, where such master or other person as aforesaid shall happen to be, although the place where the offence may be therein averred to have been committed (which averment is hereby required to be substantially according to the fact) shall appear to be out of the ordinary local jurisdiction of such Court; and such Court is hereby authorized to issue a commission or commissions for the examination of any witnesses who may be absent or out of the jurisdiction of the Court; and at the trial the depositions taken under such commission or commissions, if such witnesses shall be then absent, shall be received in evidence.

XLI. That no such master shall discharge any individual person of his crew, whether British subject or foreigner, at any of His Majesty's colonies or plantations, without the previous sanction in writing of the Governor, Lieutenant Governor, Secretary, or other officer appointed in that behalf by the government there, or in the absence of all such authorities at or near to the port or place at which the ship shall be then lying, then of the chief officer of Customs of such colony or plantation resident at or near to such port or place; nor shall he discharge any such person at any other place abroad without the like previous sanction in writing of His Majesty's Minister, Consul, or Vice-Consul there, or in the absence of any such functionary, then of two respectable merchants resident there; all which said functionaries respectively are hereby authorized and required, and all which said merchants are hereby authorized, in a summary way to inquire into the grounds of any such proposed discharge by examination on oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

XLII. That no such master shall be at liberty to leave behind at any place abroad, either on shore or at sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from

the ship, or otherwise disappeared, unless upon a previous certificate in writing of one of such functionaries or merchants as aforesaid, if there be any such at or within a reasonable distance from the place where the ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared, and cannot be brought back; and all such functionaries as aforesaid are hereby authorized and required, on the application of any such master, to inquire by examination on oath into the circumstances, and to give or refuse such certificate according to the result of such examination.

XLIII. That if any such master shall leave behind any one of his crew as aforesaid contrary to this Act, in any indictment or proceeding the proof of his having obtained such sanction or certificate as aforesaid shall be upon him, it being the intention hereof that, except in the case of entering into His Majesty's naval service, no person of the crew shall be discharged with or without his consent, in any place abroad where such functionary can be found, unless he shall have given such sanction thereto.

XLIV. That every such master who shall leave any person of his crew as aforesaid on shore at any place abroad, under a certificate of his not being in a condition to proceed on the voyage, shall deliver to one of the said functionaries, or if there be none such, to any two respectable merchants there, or if there be but one then to such one merchant, a just and true account of the wages due to such person, and pay the same to the seaman, either in money or by a bill drawn upon the owner of his ship; and if by bill, then such functionary or merchant, according to the case, is hereby authorized and required by certificate indorsed on such bill to testify that the same is drawn according to this Act for money due on account of wages of a seaman, or to that effect; and any such master who shall deliver a false account, or refuse or neglect to deliver a just and true account of the wages due to such person, and to pay the amount thereof in money or by bill as aforesaid, shall for every such offence forfeit and pay, in addition to the wages due, the penal sum of 25*l*.

XLV. Provided, That nothing in this Act or in any agreement contained shall be deemed to extend to prevent any seaman or person belonging any merchant ship whatever from entering or being received into the naval service of His Majesty, nor shall any such entry be deemed a desertion from the merchant ship, nor incur any penalty or forfeiture whatever; either of wages, clothes, or effects, or other matter or thing, notwithstanding any agreement made to the contrary hereof; and all masters and owners of ships are strictly prohibited from introducing into any ship's articles or agreement with the crew any clause or matter by which any penalty or forfeiture of any kind is agreed to be incurred by a seaman upon his entry into His Majesty's service.

XLVI. That when any seaman shall quit a merchant ship in order to enter into His Majesty's naval service, and shall thereupon be actually received into such service, not having previously committed any act amounting to and treated by the master as a total desertion, he shall be entitled immediately upon such entry to the delivery up of all his clothes and effects on board such merchant ship, and (in case the ship shall have earned freight) to receive from the master the payment of the proportionable amount of his wages up to the period of such entry, either in money or by a bill on the owner thereof; all which clothes, effects, money, and bill such master is hereby required to deliver up to him accordingly, under a penalty of 25*l*. for any refusal or neglect, to be recovered, with full costs of suit, by such seaman: Provided always, that if no freight shall have been earned at the time of such entry, then the master shall and he is hereby required to give the seaman so entering a bill upon the owner for his wages to the period of such entry, payable on the ship's safe arrival at her destined port; but in case the master shall have no means of ascertaining the balance justly due he shall make out and deliver to such seaman a certificate of the period of his services and the rate of wages he is entitled to, producing at the same time to the commanding or other officer of His Majesty's ship the agreement entered into with the seaman for the voyage; and every such master, upon the delivery up of such clothes and effects and the settlement of such wages in manner herein mentioned, shall be entitled to receive from the officer in command of the ship of His Majesty into which such seaman shall have entered a certificate signed by the said officer, which such officer is hereby required to give upon the request of the master, testifying that such seaman has entered into such ship of His Majesty to serve, as proof that the master had not parted with the seaman contrary to the provisions of this Act.

XLVII. That in all cases where any master shall have forced on shore or left behind any person against the provisions of this Act, and such person shall become distressed and be relieved under the provisions of an Act, 11 Geo. 4, for amending and consolidating the laws relating to the pay of the Royal Navy, or under any Act hereafter to be passed, then, in addition to the wages due from and the penalties imposed on such master, His Majesty shall be entitled to sue such master or the owner of the ship, at the option of the Commissioners for executing the office of Lord High Admiral of the United Kingdom, for all the charges and expenses which shall have been incurred on the subsistence, necessary clothing, and conveyance home of any such person, as so much money paid, laid out, and expended to the use of the defendant, which together with full costs of suit may be recovered in the same manner as other debts due to His Majesty are recoverable in any court having jurisdiction in cases of debts due to the Crown; and in any proceeding for that purpose proof of the account furnished to the said Commissioners by any one of such functionaries, or by such two merchants or one merchant, according to the case, as provided by the said Act, 11 Geo. 4, shall, together with proof of payment by the said Commissioners or by the Treasurer of the Navy of the charges incurred on account of any such person, be sufficient evidence that such person was relieved and conveyed home, according to the intent of the said Act, at His Majesty's expense; and the court in which any proceeding for the recovery of the said money shall be instituted is hereby authorized to issue a commission or commissions for the examination of witnesses abroad, and the depositions taken under such commission or commissions shall be received as evidence.

In order the more effectually to secure a compliance with the provisions of this Act:—

It is Enacted,

XLVIII. That every master of a ship belonging to any subject of His Majesty, on his arrival at any foreign port where there shall be a British Consul or Vice-Consul, shall deliver to such Consul or Vice-Consul the agreement with his ship's crew to be by such Consul or Vice-Consul preserved during the ship's stay there, and to be returned to the master before his leaving

no port, without any fee or charge, being made for the same; and if any such master shall refuse or neglect to deliver any such agreement to the Consul or Vice-Consul, as is hereby required, he shall for every such offence forfeit and pay the sum of 25*l*.

LXXX. That during the ship's stay at any such foreign port no seaman shall be shipped by any such master except with the party of such Consul or Vice-Consul, to be indorsed or certified on the agreement, under a penalty of 25*l*. to be forfeited by any such master for every seaman who shall be so shipped in breach of this Act.

LXXI. That the master of every ship belonging to any subject of His Majesty as aforesaid shall and he is hereby required to produce and show the muster roll of the ship and the agreement with his crew to the captain, commander, or other commissioned officer of any of His Majesty's ships requiring a production and sight thereof; and that it shall be lawful for any such officer in His Majesty's naval service, if he shall think it necessary so to do, to muster the crew and passengers (if any) of any ship belonging to any subject as aforesaid, in order to be satisfied that the provisions of this Act and of any other Act by which the crews of merchant ships are regulated, and the laws relating to navigation with respect to the crews of merchant ships, have been duly complied with; and if any such master shall, upon being required so to do by any such officer, neglect or refuse to produce such muster roll or such agreement, or shall obstruct any such officer in the execution of his duty in mustering the said crew or passengers, or shall produce any false muster roll, he shall for every such offence forfeit and pay the sum of 25*l*.

LXXII. That for the better carrying into effect the purposes of this Act it shall be lawful for the said registrar and his assistants, and also for the respective collectors or other chief officers of the Customs, at the several ports of the United Kingdom and of the British possessions abroad, to demand from the master of every ship hereby required to enter into an agreement with this crew the production of the muster roll of the ship and also of such agreement, with liberty to take a copy of either or both, and to muster the crew and apprentices of such ship, for the purpose of ascertaining whether the provisions of this Act and of the laws relating to navigation have been complied with; and if any such master, on such demand being made, shall refuse or neglect to produce such muster roll or agreement, or shall refuse to allow a copy of either document to be taken, or shall refuse to permit or shall prevent his crew and apprentices from being so mustered, he shall for every such neglect, refusal, or offence forfeit and pay the sum of 50*l*.

LXXIII. To avoid doubts in the construction of this Act,—

It is Enacted,

LXXIV. That every person having the charge or command of any ship belonging to any subject of the United Kingdom shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship; and that every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall in like manner be deemed and taken to be a seaman within the meaning and for the purposes of this Act; and that the term "Ship," as used in this Act, shall be taken and understood to comprehend every description of vessel navigating on the sea; and that the term "Owner," as applied to a ship, shall be understood to comprehend all the several persons, if more than one, to whom the ship shall belong; and that all steam and other vessels employed in carrying passengers or goods shall be deemed trading ships, within the meaning and for the purposes of this Act.

LXXV. That all penalties and forfeitures imposed by this Act, and for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs of suit, in manner following; (that is to say,) all penalties and forfeitures not exceeding 20*l*. shall be recoverable at the suit of any person by information and summary proceeding before any one or more Justice or Justices of the Peace in any part of His Majesty's dominions, residing near to the place where the offence shall be committed or where the offender shall be, which Justice or Justices shall have full power to levy the amount of any such penalty or forfeiture, and costs by distress and sale of the offender's goods, or by commitment of the offender for non-payment of the amount; and all penalties and forfeitures exceeding 20*l*. shall and may be recovered, with costs of suit, in any of His Majesty's courts of record at Westminster, Edinburgh, or Dublin, or in the colonies, at the suit of His Majesty's Attorney General or other chief law officer of the Crown in any part of His Majesty's dominions other than in Scotland, and if in Scotland at the suit of the Lord Advocate; and that all penalties and forfeitures mentioned in this Act for which no specific application is hereinbefore provided shall, when recovered, be paid and applied in manner following; (that is to say,) one moiety of every such penalty shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue shall be divided between Greenwich Hospital and the Merchant Seamen's Hospital or institution at the port to which the ship shall belong, and if there shall be none such at the said port, then the whole of the said residue shall be paid to Greenwich Hospital: Provided always, that it shall be lawful for the Court before which or the Justice or Justices before whom any proceedings shall be instituted for the recovery of any pecuniary penalty imposed by this Act to mitigate or reduce such penalty as to such Court or Justices respectively shall appear just and reasonable, in such manner, however, that no such penalty shall be reduced below one half of its original amount: And provided also, that all proceedings so to be instituted shall be commenced within two years next after the commission of the offence, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed on the European side of those limits, or within six calendar months after the return of the offender or the complaining party to the United Kingdom.

LXXVI. Provided, That this Act shall not extend or apply to any ship registered in or belonging to any British colony having a legislative assembly, or to the crew of any such ship, while such ship shall be within the precincts of such colony; anything hereinbefore contained to the contrary in anywise notwithstanding.

LXXVII. That this Act may be amended, altered, or repealed by any Act or Acts to be passed during the present session of Parliament.

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And where shall be given on the trial of such action or suit of any cause or causes of action, whether such action or suit be commenced in such notice; and the intended defendant or defendants to whom such notice shall have been delivered may, at any time before the expiration of such calendar month, tender amends to the intended plaintiff or plaintiffs, his or their attorney, or agent, and in such case amends shall not be accepted may plead such tender in bar to any action or suit to be brought against him or them upon such notice, writ, or process; and the defendant or defendants in every such action or suit may plead the general issue, and also such tender and any other plea, with leave of the Court, in bar of such action or suit, and may give such evidence as the special matter in evidence at any trial to be had thereupon; and if the jury shall find for the defendant in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in any other case to recover costs by law; and every such action or suit which shall be brought against any Collector or Collectors of the Land Tax shall be defended by the Commissioners acting for the division or place where such Collector or Collectors shall have been appointed; and the costs and charges attending the same, as also any other action or suit to be brought by or against Commissioners or Collectors for anything done in pursuance of any Act or Acts relating to the Land Tax, shall be defrayed by an assessment made in a just proportion on the several lands, tenements, and hereditaments chargeable to raise the quota fixed or assessed on the parish or place in or relating to which the alleged cause of action shall have arisen, or for which such Collector or Collectors shall have been appointed.

And after reciting that by an Act, 1 & 2 Will. 4. c. 32, intituled 'An Act to amend the Laws in England relative to Game,' it is amongst other things enacted, that if any person not having obtained a game certificate (except such person be licensed to deal in game according to the said Act) shall sell or offer for sale any game to any person whatsoever, or if any person authorized to sell game under the said Act by virtue of a game certificate shall sell or offer for sale any game to any person whatsoever, except a person licensed to deal in game according to the said Act, every such offender shall, on conviction of any such offence before two Justices of the Peace forfeit and pay for every head of game so sold or offered for sale such sum of money not exceeding 1*l.*, as to the said Justices shall seem meet, together with the costs of the conviction; and it is by the said last-mentioned Act also enacted, that if any person not being licensed to deal in game according to the said Act shall buy any game from any person whatsoever, except from a person licensed to deal in game according to the said Act, or *bona fide* from a person selling to the outside of the front of his house, shop, or stall a board purporting to be the board of a person licensed to deal in game, every such offender shall, on conviction thereof before two Justices of the Peace, forfeit and pay for every head of game so bought such sum of money not exceeding 5*l.*, as to the said Justices shall seem meet, together with the costs of the conviction: And that it is expedient to protect and indemnify in the manner hereinafter mentioned persons who inform and prosecute for offences committed against the provisions of the said recited Act:—

It is Enacted,

XXI. That from and after the passing of this Act every person who shall inform and prosecute or give evidence against any person or persons for any offence committed or to be committed against any of the said last-recited enactments shall be indemnified, freed, and discharged from all and every penalty and penalties which he or she may have incurred or become liable to under the aforesaid enactments, or any of them, for or by reason of any transaction or dealing which he or she may have had with the person or persons against whom he or she shall so inform and prosecute or give evidence as aforesaid, provided the information or prosecution which the person so informing and prosecuting as aforesaid shall have instituted, or upon which the person shall give evidence, shall have been commenced before the institution of any proceedings against him or her for the recovery of any such penalty or penalties which he or she may have incurred or become liable to as aforesaid.

And after reciting that by the said last-recited Act certain penalties and forfeitures for offences against the said Act are directed to be paid to some one of the overseers of the poor, or to some other officer (as the convicting Justice or Justices may direct) of the parish, township, or place in which the offence shall have been committed; to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate; and that it is expedient to reward the persons who shall prosecute offenders against the said Act:—

It is Enacted,

XXII. That from and after the passing of this Act one moiety of all such penalties and forfeitures as by the said last-recited Act are directed to be paid and applied as aforesaid shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety thereof only shall go and be paid to such overseer or officer as aforesaid, and be by him applied in the manner by the said last-recited Act directed; and the form of conviction set forth in the said last-recited Act shall, so far as relates to the distribution of the penalty for which judgment shall be given, be made according to the fact and conformably with the direction given by this Act as to such distribution.

And after reciting that it is expedient to transfer the collection and management of the duties on hawkers and pedlars in Scotland from the Commissioners mentioned in an Act, 55 Geo. 3. c. 71, intituled, 'An Act to regulate Hawkers and Pedlars in Scotland,' and to place such duties under the care and management of the Commissioners of Stamps and Taxes.

It is Enacted,

XXIII. That from and after the commencement of this Act the rates and duties granted and made payable by the said last-recited Act shall be payable and paid to and shall be under the care and management of the Commissioners of Stamps and Taxes from the time being, and shall be denominated and deemed to be Stamp Duties.

And after reciting that the powers and authorities, rules, regulations, and directions contained in the said last-recited Act shall be used, executed, exercised, and put in force for the securing and collecting of the duties thereby imposed by the Commissioners of Stamps and Taxes, as fully and effectually, to all intents and purposes, as if all and singular such powers and directions had been originally given and granted to such Commissioners of Stamps and Taxes.

to the duties and taxes payable on the said duties, or otherwise howsoever; and the said Accountant and Comptroller General of Stamp Duties shall have, use, and exercise all such powers and authorities as are now given to, or vested in the said Accountant and Comptroller General of Stamp Duties under or by virtue of any such Act or Acts as aforesaid, or otherwise howsoever; and all such powers and authorities shall be and are hereby given to and vested in the said Receiver General of Stamps and Taxes and the said Accountant and Comptroller General of Stamps and Taxes respectively, as fully and effectually, to all intents and purposes, as if such powers and authorities, and all clauses, regulations, provisions, penalties, and forfeitures relating thereto respectively were severally repeated and re-enacted in this Act and made part thereof.

v. That all stamp duties, and all monies from time to time collected or received for the land tax, or payable for the land and redemption thereof, and all the rates and duties of assessed taxes, and all compositions for assessed taxes, and all the duties and sums of money whatsoever, now or at any time hereafter under the care or management of the Commissioners of Stamps and Taxes, and which shall be collected or received in any part of Great Britain, shall from time to time be paid or remitted by the several distributors of stamps and receiving inspectors of taxes, and other receivers of the said duties and monies respectively, or by the several remitters thereof, to the said last-mentioned Commissioners, or to the said Receiver General of Stamps and Taxes, at such times, in such manner, and under such rules and regulations as the said Commissioners of Stamps and Taxes shall from time to time direct or appoint; and all monies, drafts, bills, notes, or other orders or securities for the payment of money which shall from time to time be received by the said Receiver General for or on account of any of the duties, rates, and taxes aforesaid, or any of them, or otherwise, for the use of His Majesty, (except only so much thereof as the said Receiver General shall be authorized by the Commissioners of Stamps and Taxes, under the sanction of the Commissioners of His Majesty's Treasury, to retain for the public service,) shall be paid by the said Receiver General into the Bank of England, and shall be transferred to the credit of His Majesty's Exchequer, in such manner, at such times, and under such rules and regulations as the Commissioners of Stamps and Taxes, under the authority of the said Commissioners of His Majesty's Treasury, shall from time to time direct or appoint; anything in any former Act or Acts to the contrary notwithstanding.

vi. That from and after the commencement of this Act the office of Receiver General of the Land and Assessed Taxes for the district or circuit of receipt called "The London Receipt," shall cease and be abolished; and the several collectors of the Land and Assessed Taxes within the said district or circuit shall, with the priority and under the superintendence and direction of the Inspector of Taxes for the Metropolitan district, or such other person as the Commissioners of His Majesty's Treasury for the time being may nominate or appoint for that purpose, pay all the duties and sums of money from time to time collected or received by them respectively to the said Receiver General of Stamps and Taxes at the head office, or at such place or places as the Commissioners of Stamps and Taxes shall from time to time appoint, and under and subject to such regulations as may be from time to time directed or appointed by the said last-mentioned Commissioners in that behalf; and every such collector is hereby strictly enjoined and required, under the penalty imposed on collectors for neglect of duty by the several Acts in force, to attend at the said head office, or at such other place or places as shall be appointed, as aforesaid, and to make his payments to the said Receiver General of Stamps and Taxes accordingly: Provided always, that it shall be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, to annex any part or parts of the said district or circuit of receipt called "The London Receipt" to any adjoining district or districts of receipt; and from thenceforth the collector or collectors of the said district or parts so annexed to any adjoining district or districts as aforesaid shall pay the duties and sums of money collected or received by him or them to the receiving inspector or other receiver for the time being appointed to such adjoining district or districts.

vii. That the Inspector of Taxes for the Metropolitan District for the time being, or such other person as shall be nominated or appointed as aforesaid for the purpose of superintending and directing the payment of the taxes to the Receiver General of Stamps and Taxes by the several collectors of the said district or circuit called "The London Receipt," shall have, use, and exercise all such powers and authorities, and perform all such duties (save and except the duties of receipt of money) within or for the said district or circuit of receipt, with relation to the taxes arising or collected within the same as are now given to or vested in or performed by the several Receiving Inspectors of Taxes within or for their respective districts by or under any Act or Acts in force at the time of the passing of this Act; and the certificate of the said Inspector of Taxes for the Metropolitan district, or of such other person as aforesaid, to the Barons of the Court of Exchequer, of any failure, neglect, or omission in the assessing, charging, raising, or accounting for any of the said taxes within the said district, or of any default or defaulters in the payment thereof, shall be as valid and have the same force and effect as any similar certificate heretofore made by any Receiver General, or now made by any Receiving Inspector within their respective districts, under or in pursuance of the several statutes in that behalf.

viii. That the said Receiver General of Stamps and Taxes shall keep accounts of all monies which shall be received by him, arising from Stamp Duties, and from the Land Tax, and the sale and redemption thereof, and also from the duties and assessed taxes, or compositions for assessed taxes, and of all other monies whatsoever which he shall receive for the use of His Majesty, his heirs or successors, and shall annually render such accounts to the Commissioners for auditing the Public Accounts; and every such account shall be made up to the 5th day of January in every year, or to such other period as every year as the Commissioners of His Majesty's Treasury shall appoint; and every such account shall be delivered to the said Commissioners for auditing the Public Accounts within such time as the Commissioners of the Treasury shall from time to time appoint in that behalf.

ix. That the said Accountant and Comptroller General of Stamps and Taxes shall annually render to the Commissioners for auditing the Public Accounts a general account of all the several duties, revenues, and monies which now are or from time to time may be under the care or management of the Commissioners of Stamps and Taxes; and every such account shall be made up to the 5th day of January in every year, or to such other period as every year as the Commissioners of His Majesty's Treasury shall direct, and shall be delivered by the said Accountant and Comptroller General

returned, shall on the same day again pass through any turnpike in the said Acts mentioned, although it be with the same horse or horses, cattle or carriages, but that all such persons so passing shall be again liable to pay such tolls as are by the said Acts authorized to be taken by the said Commissioners as in the said Acts is mentioned; but such persons, on again returning on the same day with the same horse or horses, cattle or carriages, shall be exempt from payment of toll in respect of so returning.

IX. That all horses travelling for hire under the Post-horse Duties Acts, having passed through any turnpike gate erected or to be erected on the said line of road between Shrewsbury and Holyhead, drawing any carriage in respect of which any toll shall have been paid, on returning through the turnpike-gate at which the toll shall have been paid, and the other gate (if any) cleared by such payment, either without such carriage or drawing such carriage, the same being empty, and without a ticket denoting a fresh hiring, shall be permitted to repass toll-free, although such horses or carriage shall not have passed through such turnpike gate on the same day, provided that such horses so travelling shall return before eight of the clock of the morning succeeding the day on which they first passed the turnpike gate at which the toll shall have been paid.

X. That nothing in the said recited Acts contained shall be taken to exempt any person or persons going to or returning from attending any funeral from payment of toll, except the toll and tolls payable at any toll gate or toll gates which may be within the distance of five miles from the burial ground at which such funeral or funerals shall take place.

XI. That so much of the said first-recited Act as enacts that all waggons, carts, and other carriages having the wheels of the width and description and the axletrees fixed as mentioned and set forth in and by an Act, 55 Geo. 3. c. 119, intituled, 'An Act to entitle the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weight in certain Cases,' shall be entitled to an abatement of one fourth part of the tolls by the said Act now in recital granted, and to all the other privileges and exemptions granted by the said Act, shall be and the same is hereby repealed.

XII. That if any rents payable in respect of or for any tolls which already have been or shall at any time hereafter be leased or agreed to be let in pursuance of the said recited Acts or this Act shall be in arrear for the space of three days next after any of the days on which the same ought to be paid, pursuant to the lease or agreement under which the same tolls shall be held, then and in that case the said Commissioners for the carrying the said recited Acts into execution, or their clerk, treasurer, or surveyor, or any person authorized under the hands of the said Commissioners, or under the hand of their clerk, treasurer, or surveyor, shall be at liberty, and they are hereby authorized to enter into and upon the possession of the toll house or toll houses, with the buildings, gates, and appurtenances so let or agreed to be let as aforesaid, and to put out such lessee or lessees, farmers, farmers, from the possession thereof, and from the collection of the tolls there payable; and thereupon it shall be lawful for the said Commissioners (if they shall think fit) to vacate such lease or agreement for letting the tolls to such lessee or lessees, farmer or farmers, and the same shall be utterly void (save as to the covenants or agreements for the payment of the rent or rents thereby reserved); and it shall be lawful for the said Commissioners in every such case to demise or let to farm the said tolls again to any other person or persons, or cause the same to be taken or collected, as if no former lease or agreement had been entered into relative thereto.

XIII. That so much of the said first-recited Act as enacts that all persons who by law are or shall be liable to do statute work, or are or shall be chargeable towards repairing and amending the said line of road, or any part thereof, shall remain liable thereto, shall be and the same is hereby repealed.

XIV. That so much and such parts of the said first-recited Act as relate to the compounding for such statute work to be done on the said line of road, or any part thereof, shall be and the same is hereby repealed.

XV. That all and every the provisions, enactments, and authorities contained in an Act, 3 Geo. 4. c. 126, intituled, 'An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England,' and in an Act, 4 Geo. 4. c. 95, intituled, 'An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England,' and all and every the forms to the said Acts or either of them annexed, as are now in force, and which relate to statute labour to be done for the repairing and amending turnpike roads, or the composition for the same, shall be applicable to the said Commissioners, and the said line of road vested in them from Shrewsbury to Holyhead, in all respects whatsoever as if such powers and provisions were herein repeated and made applicable to the said line of road, and the said Commissioners, and their officers, and those acting under them; and such statute labour, as regards the said line of road, and the persons liable to do the same, shall be done and performed in all respects as the same is directed to be done and performed under or by virtue of the said Acts or either of them.

XVI. That it shall be lawful for the said Commissioners, if they shall think fit, to direct and award that any part not exceeding one moiety of any fines or penalties by the said first-recited Act or this Act directed to be paid to the treasurer or treasurers for the time being of the said Commissioners may be paid to the person or persons upon whose information such penalty or fine may have been incurred.

XVII. That in all cases where credit shall have been given for the tolls by the said recited Acts and this Act authorized to be imposed it shall be lawful for the said Commissioners, or any person or persons acting by and with their consent and authority, after demand made by any collector or collectors, and neglect or refusal on the part of the party or parties on whom such demand shall have been made to pay the same, or any part thereof, to recover all arrears due by distress of the goods and chattels of the party or parties so owing, and neglecting or refusing to pay the same, such distress to be levied by warrant, to be obtained by application to any Justice of the Peace for the county or place where the party or parties owing the same shall be or reside (which warrant such Justice is hereby authorized and required to grant, on the oath of any toll collector or surveyor, or other agent or person employed by the said Commissioners, that such a sum is due for arrears, and also to administer such oath); and if such arrears, and the reasonable charges of such distress shall not be paid within the space of five days next after such distress made, the said Commissioners or such person or persons so distraining as aforesaid, may, after the goods

and shall be destroyed for payment of the said arrears, rendering the overplus (if any), on demand, to the owner or owners thereof, after such arrears and all reasonable charges shall be deducted.

XVIII. That it shall be lawful for the said Commissioners for the time being to borrow and take up, at interest such sum, and sums of money as they shall from time to time think fit upon the credit of the tolls arising by virtue of the said recited Acts, or this Act, or any part thereof, for the purpose of paying off and discharging any sum or sums of money now secured on the said tolls, or any part thereof, so that such sum or sums shall bear a lower rate of interest than is now paid for the monies so to be paid off; and all and every such securities, or the transfers thereof, shall be made in all respects as by the said first-recited Act is directed with respect to the monies thereby authorized to be raised on the security of the said tolls; and all monies so to be raised shall be paid and applied in and towards the satisfaction of some existing charge on the said tolls; and all and every the provisions and forms in the said first-recited Act relating to mortgages thereby authorized, or the transfer thereof, shall apply to any mortgage to be made in pursuance of this power, or to any transfer thereof.

XIX. That it shall be lawful for the said Commissioners for the time being and they are hereby authorized and empowered to treat and agree with any person or persons who have already advanced or shall hereafter advance any sum or sums of money, on the security of the tolls arising by virtue of the said recited Acts or this Act, or any part thereof, for the payment and receipt of a lower rate of interest for the sum or sums of money so advanced than is or shall be expressed to be payable in the assignment or mortgage of the tolls made or granted for securing the same; and an agreement for the payment and receipt of such lower rate of interest shall be indorsed upon such security or securities respectively; and such lower rate of interest shall from thenceforth be and continue payable in the manner stipulated for the payment of the original rate of interest in lieu of which such lower rate of interest shall be agreed to be paid and received.

XX. That if any person shall remove any road fences or walls made or repaired by the said Commissioners without the written authority of the surveyor of the said Commissioners, every such person so offending shall forfeit for every such offence, 20s. to be levied and made information of the same, and shall in addition pay all the expenses of reinstating the same; and further, when any such removal of any fences or walls shall be allowed, proper curb stones or other protection, to the satisfaction and according to the direction of the surveyor of the said Commissioners, shall be fixed along the line of the side channel for the distance where such fences or walls may have been removed, except at the junction of roads and at gateways; and if the person so removing such fences or walls shall not within one week comply with the direction of the said surveyor in fixing paper curb stones or other protection as aforesaid, then the same may be done, under the direction of the surveyor of the said Commissioners, by any person or persons he may appoint for that purpose.

XXI. That if any person shall make or cause to be made any dwelling-house or other building, or any hedge or other fence, on or at the side of any part of the aforesaid line of road, in such manner as to reduce the breadth or confine the limits thereof, or shall fill up or obstruct any ditch at the side thereof, or shall make or cause to be made any dwelling-house or other building, or any hedge or other fence, on any common or waste land on the side or sides of the said road, within the distance of thirty feet if within three miles of any market town, or if beyond that distance within twenty-five feet from the middle or centre thereof, or shall make any encroachment by taking in any small pieces of waste, or shall make any drain, sink, or watercourse, or shall otherwise break up or injure the surface of the said road or any part thereof, or shall plough, manure, or break up, the said or any land or ground, or in ploughing or harrowing the adjacent land shall turn his or their plough or harrow in or upon any land or ground within the distance aforesaid from the middle of the said road, every person so offending shall for every such offence forfeit the sum of 40s. to such person as shall make information of the same; and it shall be lawful for the said Commissioners or their surveyor to cause such dwelling-house or other building, hedge, ditch, or fence, drain, sink, watercourse, gutter, or other encroachment to be taken down, restored, removed, or filled up, or, when any ditch shall have been filled up or obstructed, to be opened and cleaned, at the expense of the person or persons to whom the same shall belong; and it shall and may be lawful for one or more Justice or Justices of the Peace of the county where such offence shall be committed, upon proof thereof to him or them made upon oath, to levy as well the expenses of removing and restoring any such fences or walls as aforesaid, or placing such curb stones or other protection as aforesaid, or of taking down or filling up or clearing such dwelling-house or other building, hedges, ditches, drains, or other encroachments, as the several penalties hereby imposed, and also the costs and charges of levying and recovering the said expenses and penalties respectively, by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner, on demand.

XXII. That so much of the said first-recited Act as enacts that the said Commissioners may, at the respective gates or turnpikes on the said line of road between Oswestry and the boundary of the counties of Denbigh and Merioneth, receive the several tolls in the said Act mentioned for every horse or other beast drawing any coach, chariot, landau, berlin, chaise, calash, hearse, chair, waggon, wain, wheel car, cart, tumbril car, dray, or sledge, and for every horse or other beast, laden or unladen, and not drawing, and that such tolls may be charged twice and not oftener in one day, shall be and the same is hereby repealed as from the 1st of June 1836.

XXIII. That from and after the 1st of June 1836 it shall and may be lawful for the Commissioners for the time being of the said recited Acts, and they are hereby authorized and empowered, to take, collect, and receive, in lieu of the tolls hereby repealed, and in addition to such of the other tolls authorized to be received and taken by the said first-recited Act as are not hereby repealed, the respective tolls following, at the respective gates or turnpikes hereinafter mentioned, or at the bars or gates which have been or shall be hereafter erected and attached to such respective gates or turnpikes on that part of the said line of road lying between Oswestry and the boundary of the counties of Denbigh and Merioneth; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril Car, Dray, or Sledge, any Sum not exceeding Threepence at the Llwyn Gate; any Sum not exceeding Twopence at Whitehurst Gate; and any Sum not exceeding Fourpence at the Llangollen Gate.

And for every Horse or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny at the Llwyn Gate; any Sum not exceeding One Halfpenny at Whitehurst Gate; and any Sum not exceeding One Penny at the Llangollen Gate.

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XXIV. That any lease or contract or agreement, which by the said first-recited Act or this Act may be made or entered into by the said Commissioners for the letting the tolls authorized to be taken by the said Commissioners, may be signed by the chairman, or by the clerk of the said Commissioners, in case the said chairman or clerk shall be authorized to sign in writing, by three of the said Commissioners; and that all such leases, contracts, and agreements shall be good and effectual to all intents whatsoever, notwithstanding the same may not be by deed or under seal, any Act of Parliament or law to the contrary thereof notwithstanding.

XXV. That every steam carriage or locomotive engine, including any one carriage with not more than four wheels, with thereby, passing along the line of road vested in the said Commissioners, shall pay a toll not exceeding double the amount of toll by the said recited Acts payable by a stage coach drawn by four horses; and that every other separate carriage, whether with two or four wheels, attached or in anywise connected with any such steam carriage or locomotive engine, shall pay the same toll as stage coaches drawn by four horses.

And after reciting that it is by the said first-recited Act amongst other things enacted, that the said Commissioners may in manner therein mentioned let the tolls by the said Act granted, or any part thereof, and also the turnpikes, toll houses, and weighing machines vested in them by virtue of the said Act, as in the said Act is mentioned, unto any person or persons who shall be willing to take the same, as in the said Act is mentioned, such notice of the intention to let the same having been given as in the said Act is directed:—

It is Enacted,

XXVI. That in addition to the powers in the said Act contained it shall and may be lawful for the said Commissioners from time to time to let the said tolls and other the premises by the said Act authorized to be let, or any part thereof, by private tender, and without giving such notice as in the said Act is directed, for any term not exceeding three years at any one time, for the best rent that can be gotten for the same, and under such covenants as the said Commissioners shall direct.

XXVII. That so much of the said first-recited Act as enacts that if any person shall wilfully pull up or damage any direction or mile post or stone erected or fixed in or near the side or sides of the said line of road from Shrewsbury to Bangor Ferry, or should otherwise commit any nuisance on or regarding or respecting the said road as in the said Act is particularly enumerated, every person so offending should for every such offence forfeit and pay any sum not exceeding 5*l.*, shall be and the tolls hereby repealed.

XXVIII. That if any person or persons shall wilfully or otherwise pull up or damage any direction or mile post or stone erected or fixed, or to be erected or fixed, in or near the side or sides of the said line of road from Shrewsbury to Holyhead, or shall obliterate or deface any of the letters, figures, or marks inscribed thereon or affixed thereto, or shall injure or damage any table of tolls put up at any toll gate or bar on any part of the said line of road, or deface or obliterate any of the inscriptions thereon, or if any person shall wilfully or otherwise pull up or throw down, break or injure, any posts, rails, walls, or fences along or near any part of the said line of road, or at or near any pit or quarry which shall be used, opened, or made by the getting of stones, gravel, or other materials for the purposes thereof, in order to prevent accidents, or shall cut down, pull up, or destroy any quicks or willows planted by the said Commissioners along or near any part of the said line of road, or if any person shall cause any damage or injury to be done to any bridge, arch, or wall, or other building set up or to be erected by virtue of this Act or the said recited Acts, or otherwise, on any part of the said road or the side thereof; or if any person shall ride on any footpath formed or maintained by the surveyor of the said Commissioners upon or on the side of or adjoining to the said line of road, or shall drive any horse, beast, or swine, or any carriage upon or cause any damage to be done to any such footpath; or if any person, after having blocked any carriage whatsoever in going up any hill or rising ground, shall leave on the said road the stone or other thing used in such blocking; or if any person shall cause to be laid or driven by timber, stone, or other thing which shall be carried upon wheel carriages to drag upon the said line of road, or any part thereof, to the prejudice thereof; or if any person driving any pigs or swine upon the said line of road or any part thereof shall leave the said pigs or swine to root up the same, or the fences on either side thereof; or if any person shall turn, or permit to turn, his, her, or their horse and horses or other beast or beasts, cattle, pigs, or swine, to feed, graze, or run loose upon any part of the said line of road, or on the side or sides thereof; or if any person shall, in or upon the said line of road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any beast, swine, calf, lamb, or other cattle; or if any person driving any carriage on the said line of road, and meeting another carriage, shall not keep his or her carriage on his or her left or near side of the road; or if any person shall wilfully or otherwise prevent another from passing him or her, or any carriage under his or her care; or if any person driving any horse or other beast on the said line of road carrying any iron bar or rod, basket or pannier, or any other matter or thing, shall place such bar or rod, basket or pannier, matter or thing, so that the same or any of them shall project more than thirty inches from the side of such horse or other beast, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast, or carriage travelling along the said line of road; or if any person shall make or assist in making any fire or fires, or shall set fire to or let off or throw any squib, rocket, or fire works whatsoever, or play at foot-ball on any part of the said line of road; or if any blacksmith, or other person occupying a blacksmith's shop situate near the said line of road, and having a window or doorway fronting thereto, shall not by good and close shutters, every evening after it becomes twilight, bar and prevent the light from such shop shining into or upon the said line of road; or if any person shall leave any carriage (except in cases of accident) upon or on the side of any part of the said line of road longer than may be necessary to load or unload the same, or to get in or without any horse or other beast of draught harnessed or yoked thereto, or shall lay any timber, stones, hay, or manure, soil, rubbish, or other matter or thing whatsoever upon any part of the said line of road, or on the side or sides thereof to the prejudice thereof, or to the annoyance of persons travelling thereon; or if any person or persons shall, without the consent of the surveyor of the said Commissioners, scrape off any mud, soil, or any other matter or thing which shall be upon the said line of road, or any part thereof; or if any person shall suffer any water, filth, dirt, or other offensive thing, whatsoever to run or flow into or upon the said line of road or footpaths, from any house, building, or premises, or from any premises adjacent thereto; or if any person or persons shall pull down, damage, injure, or destroy any building, or any

And that the persons guilty of several breaches.

36. That the tolls be the tolls of the road.

37. That the names of the persons be painted thereon.

38. That the persons be not to ride thereon, unless some other person on foot guide the same.

39. That the persons be not to ride thereon.

40. That the persons be not to ride thereon.

41. That the persons be not to ride thereon.

42. That the persons be not to ride thereon.

43. That the persons be not to ride thereon.

44. That the persons be not to ride thereon.

45. That the persons be not to ride thereon.

By this Act,

After reciting an Act, 59 Geo. 3. c. 30, and 59 Geo. 3. c. 48, and the titles thereof, and that the new road from Bangor Ferry to Holyhead, authorized and directed to be made by the last-mentioned Act, was, soon after the passing the said Act, completed, and in pursuance of the directions therein contained the said road was on its being completed transferred to and given up by the Commissioners therein named to the Commissioners appointed by the said first-recited Act, 59 Geo. 3. c. 30, and the same is now vested in the said last-mentioned Commissioners, and is repaired and maintained by them under the powers and provisions of the said last-mentioned Act, which are made applicable thereto by the said last before-recited Act: And that the said first-recited Act requires to be explained and amended, and some enactments thereof to be repealed:—

It is Enacted,

I. That all the powers and provisions of the said first-recited Act, 59 Geo. 3, except such or so much thereof as shall be hereby repealed, altered, or varied, shall be extended to this Act, and form part of the same, as if the same had been repeated and re-enacted in this Act.

II. That all and every the acts, matters, powers, and things whatsoever by the said first-recited Act authorized or directed to be done by five or more of the said Commissioners shall and may from and after the passing of this Act be done by three or more of the said Commissioners in all respects as if by the said Act the said acts, matters, and things had been authorized or directed to be done by three or more of the said Commissioners instead of five or more of the said Commissioners.

III. That as much of the said first-recited Act as enacts that in case of a vacancy or vacancies by death or resignation of any one or more of the said Commissioners it shall be lawful for the surviving or remaining Commissioners, or any three or more of them, as therein is mentioned, to supply such vacancies, shall be and the same is hereby repealed:

IV. That in case of a vacancy or vacancies by death or resignation of any one or more of the said Commissioners it shall and may be lawful for the surviving or remaining Commissioners, or any three or more of them, present at any meeting to be held in pursuance of the said first-recited Act, to nominate and appoint such person or persons as they may think proper to supply such vacancy or vacancies; and that every person so nominated shall be held and considered to be invested with all the same powers as are delegated to the persons appointed by the said first-recited Act or this Act in whose room such person shall be so nominated.

V. That so much of the said first-recited Act as enacts that it shall be lawful for the said Commissioners thereby appointed to take, from and after the 1st of January 1831, over and above the other tolls by the same Act authorized to be taken at any and every gate or gates or toll bar along that part of the said line of road lying between Whitehurst's Gate and Bangor Ferry thereby repealed or directed to be thereafter vested in them, an additional toll of five shillings for every horse or other beast therein mentioned and enumerated, under the circumstances therein mentioned, shall be and the same is hereby repealed as and from the 1st of June 1836.

VI. That it shall and may be lawful for the said Commissioners to take, from and after the passing of this Act, at any or every gate or gates or toll bar along the said line of road from Shrewsbury to Holyhead, for every horse or other beast drawing any four-wheeled carriage the weight of which together with the loading thereof shall weigh above the weight of three tons ten hundred weight, and for every horse or other beast drawing any two-wheeled carriage the weight of which together with the loading thereof shall weigh above the weight of one ton ten hundred weight, and for every horse or other beast drawing any waggon, wain, cart, tumbrel, car, or dray the wheels whereof shall be of less breadth than three inches on the bottom or sole thereof, and for every horse or other beast drawing any waggon, wain, cart, tumbrel, car, or dray having wheels with tires fastened thereto with nails the heads of which are not countersunk, and which shall project above the surface of the tires, the tolls following; that is to say, double the amount of such tolls as would otherwise be payable under or by virtue of the said first-recited Act or of this Act.

VII. That so much of the said first-recited Act as enacts that the said Commissioners shall yearly pay to the trustees therein mentioned the sum of 50*l*. in lieu of the tolls to be taken by the said Commissioners on the Knockin road shall be and the same is hereby repealed.

And after noticing that it is by the said recited Acts enacted, that no person who shall have paid any such tolls as are by the said Acts authorized to be taken by the said Commissioners for passing through any turnpike standing on the said line of road between Shrewsbury and Bangor Ferry, and between the bridge across the Menai Straits and Holyhead, shall be subject to any toll for returning through such turnpike the same day with the same horse or horses, cattle or carriages, but shall return toll-free, except as in the said Acts is excepted:—

It is Enacted,

VIII. That nothing in the said Acts contained shall exempt any person from paying a second or other toll who after having

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XXV. That every steam carriage or locomotive engine, including any one carriage with not more than four wheels, drawn thereby, passing along the line of road vested in the said Commissioners, shall pay a toll not exceeding double the amount of toll by the said recited Acts payable by a stage coach drawn by four horses; and that every other separate carriage, whether with two or four wheels, attached or in anywise connected with any such steam carriage or locomotive engine, shall pay the same toll as stage coaches drawn by four horses.

It is Enacted,

XXVII. That so much of the said first-recited Act as enacts that if any person shall wilfully pull up or damage any ditch or mile post or stone erected or fixed in or near the side or sides of the said line of road from Shrewsbury to Bangor Ferry, should otherwise commit any nuisance on or regarding or respecting the said road as in the said Act is particularly enumerated, every person so offending should for every such offence forfeit and pay any sum not exceeding 5*l.*, shall be and the same be hereby repealed.

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any person or persons on either side of the said line of road, or toll-house erected thereon, or shall extinguish the light of any lamp; every such person so offending in any of the cases aforesaid shall for each and every such offence forfeit and pay a sum not exceeding 40s., over and above the damages occasioned thereby; such damages to be assessed and recovered by the justices, and as if the same were a penalty.

XXIX. That if any horse, ass, sheep, swine, or other beast or cattle of any kind shall at any time be found tethered or wandering upon any part of the aforesaid line of road (except on any parts of such road as lead or pass through any common or waste or uninclosed ground), it shall and may be lawful for any surveyor of the said Commissioners, when the same shall be found, or any other person or persons whomsoever, to seize and impound every such horse, ass, sheep, swine, or other beast or cattle in the common pound (if any) of the parish, township, tithing, or place where the same shall be found, or in such other place as the said Commissioners shall have provided or shall provide for that purpose, and the said horse, ass, sheep, swine, or other beast or cattle there to detain until the owner or owners thereof shall for each and every horse, ass, sheep, swine, or other beast or cattle so impounded pay the sum of 2s., together with the reasonable charges and expenses of impounding and keeping the same, to the treasurer, clerk, or surveyor of the said Commissioners, the said sum of 2s. for each beast, to be applied to the use of and in aid of the tolls of such road; and in case the said penalty, charges, and expenses shall not be paid within five days after such impounding (notice being first given to the owner, if known at the time, or if not known by affixing written notices at the two next toll-gates on the road nearest to the place where the same shall be impounded), it shall and may be lawful for any one or more Justice or Justices of the Peace of the county or place where the offence shall have been committed to order every such horse, ass, sheep, swine, or other beast or cattle to be sold, except where it shall be proved to the satisfaction of such Justice or Justices that the horse, ass, sheep, swine, or other beast impounded escaped from any inclosure by any gate or fence being wilfully or negligently left open or destroyed by any person not being the owner or occupier of such inclosure or employed by such owner or occupier, in which case such Justice or Justices may remit such penalty; and the money arising from such sale, after deducting the said penalty, and charges and expenses of impounding, keeping, and selling every such horse, ass, sheep, swine, or other beast or cattle, shall be paid to the person whose property the same shall appear to have been; and in case the owner thereof shall not be known, and no application shall be made for the money arising from such sale within twenty-one days after such sale shall have taken place, the said money shall be applied, after deducting the said charges and expenses, in the same manner as the said sum of 2s. is hereinbefore directed to be applied: Provided always, that no owner of any horses, asses, sheep, swine, or other beast or cattle impounded as aforesaid shall in any one year pay more than the sum of 5l., over and above the charges and expenses of impounding and keeping the same, for any number of horses, asses, sheep, swine, or other beasts or cattle impounded at one time; and provided always, that nothing in this clause shall be deemed, taken, or construed to extend to take away any right of pasturage which may exist on the sides of any part of the said line of road.

And in case any person or persons shall release or attempt to release any cow, horse, ass, swine, or other live stock which shall be seized for the purpose of being impounded under the authority of this Act from the pound or place where the same shall be so impounded, or shall pull down, damage, or destroy the same pound or place, or any part thereof, or shall remove or destroy any part thereof, or shall attempt to do so, or shall attempt to rescue or release, or shall attempt to remove, any distress or levy which shall be made under the authority of this Act, until or before such cow, horse, ass, or other live stock or cattle seized or so impounded, or such distress and levy so made, shall be discharged by due process of law, every person so offending shall, upon conviction thereof before any one of His Majesty's Justices of the Peace for the county or place where the offence shall have been committed, either upon confession of the party or parties offending, or upon the oath of one credible witness, and which oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by warrant under his hand and seal, to the common gaol or house of correction of such of the counties where the said offence shall have been committed, there to remain without bail or mainprize for any time not exceeding three calendar months.

And after making that doubt may arise as to what is to be deemed the said road or the centre of the said road so vested in the said Commissioners, or some parts thereof:—

It is Enacted,

XXX. That when any matter or thing is directed or forbidden to be done by this Act or the said recited Acts or otherwise, within certain distance of the centre of the said road, that portion of the ground shall be deemed to be the road which has been maintained by the said Commissioners as hard road, with stones or gravel, or other materials used in forming roads, for some time immediately preceding any offence committed against such regulations; and the centre of the road shall be the middle of such hard road, when a line being drawn along the road, or a point marked, an equal number of feet of hard road which have been so maintained as aforesaid for six months before shall be found on each side of such line or mark.

XXXI. For the discovery of offenders, That the owner or owners of every waggon, wain, or cart, or other such carriage, upon any part of the aforesaid line of road, shall from and after the 1st of August 1835 paint or cause to be painted in bright line or lines, upon some conspicuous part of the right or off side of his, her, or their waggon, wain, or cart, or other such carriage, or upon the off side shafts, before the same shall be used upon the said road, his, her, or their name, and the place of his, her, and their abode, or the christian and surname and place of abode of the proprietor or owner thereof, at full length, in large legible letters not less than one inch in height, and continue the same on such waggon, wain, cart, or other such carriage shall be used upon the said line of road, or any part thereof, by every owner and proprietor of any waggon, wain, or cart, or other carriage, who shall use or allow the same to be used upon any part thereof without the names and descriptions painted thereon as aforesaid, or who shall be convicted of any false or fictitious name or place of place of abode on such waggon, wain, or cart or other carriage, shall pay for every such offence a sum not exceeding 5l.

And after making that many accidents happen and great mischiefs are frequently done upon the said line of road by the negligence or wilful misbehaviour of persons driving carriages thereon:—

It is therefore Enacted,

XXXIII. That if the driver of any waggon or cart of any kind shall ride upon any such carriage in the said road, not having some other person on foot or on horseback to guide the same (such light carts as are usually driven with reins, and are then conducted by some person holding the reins of the horse or horses, not being more than two, drawing the same, excepted); or if the driver of any carriage whatsoever, on any part of the said road, shall by negligence or wilful misbehaviour cause any hurt or damage to any person or carriage passing or being upon the said road, or shall quit the road and go on the other side the hedge or fence enclosing the same, or wilfully be at such a distance from such carriage, or in such a situation, whilst it shall be passing upon the said road, that he cannot have the direction and government of the horse or cattle drawing the same; or if any person shall drive or act as the driver of any such coach, post chaise, or other carriage let for hire, or waggon, wain, or cart, not having the owner's name, as hereby required, painted thereon, or shall refuse to discover the true christian and surname of the owner or principal owners of such respective carriage; or if the driver of any waggon, cart, coach, or other carriage whatsoever, meeting any other carriage, shall not keep his or her carriage on the left or near side of the road; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon the said road, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage, or of His Majesty's subjects, on the said road; every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witnesses or witnesses, before any Justice of the Peace of the limit where such offence shall be committed, or where such offender shall be apprehended, shall for every such offence forfeit any sum not exceeding 40s., in case such driver shall not be the owner of such carriage, and in case the offender be the owner of such carriage then any sum not exceeding 50s., and in either of the said cases shall in default of payment be committed to the house of correction for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases shall and may by the authority of this Act, with or without any warrant, be apprehended by any person or persons who shall see such offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to law; and if any such driver in any of the cases aforesaid shall refuse to discover his name, it shall and may be lawful for the Justices of the Peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the house of correction for any time not exceeding three months, or to proceed against him for the penalty aforesaid, by a description of his person and the offence only, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

XXXIV. That it shall be lawful for the surveyor and surveyors, and such other person and persons as shall be appointed by the said Commissioners, from time to time, to cut, make, or maintain drains or watercourses upon and through any lands lying contiguous to any road under the direction or controul of the said Commissioners, and also to make ditches in any such places and in such manner as such surveyor and surveyors, by order of the said Commissioners, shall judge necessary, and make sufficient fences and barriers and other erections on any part or parts of the said road, in order to prevent any rivulet or current of water from flooding the same, as such surveyor and surveyors shall judge necessary, making such satisfaction to the owners or occupiers of such lands to be used, cut through, or built upon, for the damages which they or any of them may sustain thereby, as the said Commissioners shall judge reasonable; and in case of any difference between such owners and occupiers and the said Commissioners touching such damages, the same shall be finally settled by any two or more Justices of the Peace for the county, city, or place in which such drain or watercourse shall lie or be situate.

XXXV. Provided, That the said Commissioners shall not be required to pay any larger sum as a satisfaction for any materials raised, taken, or carried away from any lands or grounds for making or repairing the said road, than such sum of money as it shall appear to the two Justices settling and determining such satisfaction that such materials might or could have been actually sold for in case the same had not been raised, taken, or carried away by the said Commissioners; and in case the said Justices shall be of opinion that the said materials, before they had been so raised, taken, or carried away, could not have been sold or disposed of, then the said Justices shall only assess the damage done to the lands or grounds of the owners or occupiers thereof by the raising, gathering, or carrying away the same.

XXXVI. That notwithstanding anything in the said first-recited Act contained it shall not be lawful for any person or persons whomsoever to remove or carry away any gravel, stone, or other materials which shall have been quarried, dug, or raised by the surveyor of the said Commissioners or his workmen from, and shall be left by him or them in, any gravel pit or quarry opened for the purpose of getting materials for the said line of road, (notwithstanding the said surveyor or his workmen may have discontinued working in such gravel pit or quarry for the space of thirty days,) without first giving twenty-one days notice in writing, to the said surveyor to remove and take away the same; and if any person or persons shall remove or carry away any such gravel, stone, or other materials so quarried, dug, or raised as aforesaid before the expiration of twenty-one days from the time such notice shall be so given as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding 50s. in addition to the value of the gravel, stone, or other materials so removed or carried away as aforesaid.

XXXVII. That in all cases where it shall appear by the books kept by the clerk or treasurer to the said Commissioners, or by any satisfactory evidence adduced at any meeting of the said Commissioners, that any person or persons is or are a creditor or creditors on security of the tolls authorized by the said recited Acts or this Act to be taken, and that the mortgage or assignment of the tolls for securing any such sum or sums of money has been lost, mislaid, or by accident destroyed, it shall and may be lawful for the said Commissioners, or any three or more of them, to execute, at the expense of the person or persons applying for the same, an assignment of the tolls by the said recited Acts or this Act granted for the sum or sums of money mentioned in such original assignment or transfer; and every assignment to be executed shall be valid and effectual for the purposes thereby intended, and shall be considered as substituted in all respects for the former mortgage or assignment which shall on such new mortgage or assignment being executed be in all respects void.

XIV. That so much of the said first-recited Act as enacts that the several general Acts made for the regulation of turnpike roads in England and Wales should and were thereby declared to extend to the said Act now in recital, and that it should be so for the said Commissioners thereby appointed to exercise and put in execution all the powers and authorities by the said general Acts given to and authorized to be executed by trustees of turnpike roads, as fully and amply as any trustees might do under the authority of the said general Acts or either of them, shall be and the same is hereby repealed.

XV. That this Act and the several powers and matters herein contained, except where otherwise directed by this Act, shall take effect and come into operation from the 1st August 1835.

XVI. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. XXII.

AN ACT to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England*.

(21st August 1835.)

[See 2 & 3 Will. 4. c. 107, 1 Law J. (N.S.) Stat. 261; and 3 & 4 Will. 4. c. 64, 2 Law J. (N.S.) Stat. 116.]

CAP. XXIII.

AN ACT for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey*, *Jersey*, and *Man*.

(21st August 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons forming societies for loans, desirous of having the benefit of this Act, to cause their rules to be enrolled in manner hereinafter directed.*

2. *Rules to be certified, deposited, and enrolled at sessions.*

3. *Rules and regulations to be entered in a book to be kept by the officer of the society.*

4. *Property of society vested in trustees thereof.*

5. *Treasurer, &c. to give security, if required by rules of institution.*

6. *Amount of any loan.*

7. *No rate or security liable to Stamp Duty.*

8. *Recovery of loan, &c. before Justices of the Peace.*

9. *As to receipt of interest by trustees, &c.*

10. *10 Geo. 4. c. 56, as amended by 4 & 5 Will. 4. c. 40, extended to Guernsey, &c.*

11. *Robbie's Act.*

By this Act,

After reciting that certain institutions for establishing loan funds have been and may be established in *England*, *Wales*, and *Berwick-upon-Tweed*, for the benefit and advantage of the labouring classes of His Majesty's subjects, and that it is expedient to give protection to the funds of such institutions, and to afford encouragement to the formation of other institutions of a like kind;

It is Enacted,

That if any number of persons who have formed or shall form any society in any parish, township, or place in *England*, *Wales*, or *Berwick-upon-Tweed*, for the purpose of establishing a society for a loan fund for the industrious classes in *England*, *Wales*, or *Berwick-upon-Tweed*, and receiving back payment for the same by instalments, with the legal interest due thereon, shall be desirous of having the benefit of this Act, such persons shall cause the rules or regulations framed or to be framed for the management of such institutions to be certified, deposited, and enrolled in manner hereinafter directed, and thereupon shall be entitled to and shall have the benefit of the provisions contained in this Act.

And that all the rules and regulations of any society to be entitled to the benefit of this Act shall be certified, deposited, and enrolled in the same manner as the rules and regulations of any friendly society are required to be certified, deposited, and enrolled pursuant to the provisions of the Act, 4 & 5 Will. 4. c. 40, intituled, 'An Act to amend an Act of the Tenth Year of His Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies;' and that all the provisions of the said Act, as well as the Act, 10 Geo. 4, to consolidate and amend the laws relating to Friendly Societies, as amended by 4 & 5 Will. 4. c. 40, shall be applicable to the framing, certifying, enrolling, and altering rules of Friendly Societies, shall be applicable to the

It is therefore Enacted,

XXXIII. That if the driver of any waggon or cart of any kind shall ride upon any such carriages in the said road, not having some other person on foot or on horseback to guide the same (such light carts as are usually driven with reins, and are usually conducted by some person holding the reins of the horse or horses, not being more than two, drawing the same, excepted); or if the driver of any carriage whatsoever, on any part of the said road, shall by negligence or wilful misbehaviour cause any hurt or damage to any person or carriage passing or being upon the said road, or shall quit the road and go on the other side the hedge or fence enclosing the same, or wilfully be at such a distance from such carriage, or in such a situation, whilst it shall be passing upon the said road, that he cannot have the direction and government of the horse or cattle drawing the same; or if any person shall drive or act as the driver of any such coach, post chaise, or other carriage let for hire, or waggon, wain, or cart, not having the owner's name, as hereby required, painted thereon, or shall refuse to discover the true christian and surname of the owner or principal owners of such respective carriage; or if the driver of any waggon, cart, coach, or other carriage whatsoever, meeting any other carriage, shall not keep his or her carriage on the left or near side of the road; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon the said road, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage, or of His Majesty's subjects, on the said road; every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witnesses or witnesses, before any Justice of the Peace of the limit where such offence shall be committed, or where such offender shall be apprehended, shall for every such offence forfeit any sum not exceeding 40s., in case such driver shall not be the owner of such carriage, and in case the offender be the owner of such carriage then any sum not exceeding 50s., and in either of the said cases shall in default of payment be committed to the house of correction for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases shall and may by the authority of this Act, with or without any warrant, be apprehended by any person or persons who shall see such offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to law; and if any such driver in any of the cases aforesaid shall refuse to discover his name, it shall and may be lawful for the Justices of the Peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the house of correction for any time not exceeding three months, or to proceed against him for the penalty aforesaid, by a description of his person and the offence only, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

XXXIV. That it shall be lawful for the surveyor and surveyors, and such other person and persons as shall be appointed by the said Commissioners, from time to time, to cut, make, or maintain drains or watercourses upon and through any lands lying contiguous to any road under the direction or controul of the said Commissioners, and also to make ditches in any such places and in such manner as such surveyor and surveyors, by order of the said Commissioners, shall judge necessary, and make sufficient fences and barriers and other erections on any part or parts of the said road, in order to prevent any rivulet or current of water from flooding the same, as such surveyor and surveyors shall judge necessary, making such satisfaction to the owners or occupiers of such lands to be used, cut through, or built upon, for the damages which they or any of them may sustain thereby, as the said Commissioners shall judge reasonable; and in case of any difference between such owners and occupiers and the said Commissioners touching such damages, the same shall be finally settled by any two or more Justices of the Peace for the county, city, or place in which such drain or watercourse shall lie or be situate.

XXXV. Provided, That the said Commissioners shall not be required to pay any larger sum as a satisfaction for any materials raised, taken, or carried away from any lands or grounds for making or repairing the said road, than such sum of money as it shall appear to the two Justices settling and determining such satisfaction that such materials might or could have been actually sold for in case the same had not been raised, taken, or carried away by the said Commissioners; and in case the said Justices shall be of opinion that the said materials, before they had been so raised, taken, or carried away, could not have been sold or disposed of, then the said Justices shall only assess the damage done to the lands or grounds of the owners or occupiers thereof by the raising, gathering, or carrying away the same.

XXXVI. That notwithstanding anything in the said first-recited Act contained it shall not be lawful for any person or persons whomsoever to remove or carry away any gravel, stone, or other materials which shall have been quarried, dug, or raised by the surveyor of the said Commissioners or his workmen from, and shall be left by him or them in, any gravel pit or quarry opened for the purpose of getting materials for the said line of road, (notwithstanding the said surveyor or his workmen shall have discontinued working in such gravel pit or quarry for the space of thirty days,) without first giving twenty-one days notice in writing, to the said surveyor to remove and take away the same; and if any person or persons shall remove or carry away any such gravel, stone, or other materials so quarried, dug, or raised as aforesaid before the expiration of twenty-one days from the time such notice shall be so given as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding 50s. in addition to the value of the gravel, stone, or other materials so removed or carried away as aforesaid.

XXXVII. That in all cases where it shall appear by the books kept by the clerk or treasurer to the said Commissioners, or by any satisfactory evidence adduced at any meeting of the said Commissioners, that any person or persons is or are a creditor or creditors on security of the tolls authorized by the said recited Acts or this Act to be taken, and that the mortgage or assignment of the tolls for securing any such sum or sums of money has been lost, mislaid, or by accident destroyed, it shall and may be lawful for the said Commissioners, or any three or more of them, to execute, at the expense of the person or persons applying for the same, an assignment of the tolls by the said recited Acts or this Act granted for the sum or sums of money mentioned in such original assignment or transfer; and every assignment to be executed shall be valid and effectual for the purposes thereby intended, and shall be considered as substituted in all respects for the former mortgage or assignment which shall on such new mortgage or assignment being executed be in all respects void.

XXVIII. That so much of the said first-recited Act as enacts that the several general Acts made for the regulation of turnpike roads in England and Wales should and were thereby declared to extend to the said Act now in recital, and that it should be lawful for the said Commissioners thereby appointed to exercise and put in execution all the powers and authorities by the said general Acts given to and authorized to be executed by trustees of turnpike roads, as fully and amply as any trustees might do under the authority of the said general Acts or either of them, shall be and the same is hereby repealed.

XXIX. That this Act and the several powers and matters herein contained, except where otherwise directed by this Act, shall take effect and come into operation from the 1st August 1835.

XL. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. XXII.

AN ACT to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England*.

(21st August 1835.)

[See 3 & 3 Will. 4. c. 107, 1 Law J. (N.S.) Stat. 261; and 3 & 4 Will. 4. c. 64, 2 Law J. (N.S.) Stat. 119.]

CAP. XXIII.

AN ACT for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey*, *Jersey*, and *Man*.

(21st August 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Persons forming societies for loans, desirous of having the benefit of this Act, to cause their rules to be enrolled in manner hereinafter directed.
2. Rules to be certified, deposited, and enrolled at sessions.
3. Rules and regulations to be entered in a book to be kept by the officer of the society.
4. Property of society vested in trustees thereof.
5. Treasurer, &c. to give security, if required by rules of institution.
6. Redemption of any loan.
7. No rate or security liable to Stamp Duty.
8. Recovery of loan, &c. before Justices of the Peace.
9. As to receipt of interest by trustees, &c.
10. 10 Geo. 4. c. 56, as amended by 4 & 5 Will. 4. c. 40, extended to *Guernsey*, &c.
11. *Rubbis Act*.

By this Act,

After reciting that certain institutions for establishing loan funds have been and may be established in *England*, *Wales*, and *Berwick-upon-Tweed*, for the benefit and advantage of the labouring classes of His Majesty's subjects, and that it is expedient to give protection to the funds of such institutions, and to afford encouragement to the formation of other institutions of a like kind;

It is Enacted,

That if any number of persons who have formed or shall form any society in any parish, township, or place in *England*, *Wales*, or *Berwick-upon-Tweed*, for the purpose of establishing a society for a loan fund for the industrious classes in *England*, *Wales*, or *Berwick-upon-Tweed*, and receiving back payment for the same by instalments, with the legal interest due thereon, shall be desirous of having the benefit of this Act, such persons shall cause the rules or regulations framed or to be framed for the management of such institutions to be certified, deposited, and enrolled in manner hereinafter directed, and thereupon shall be entitled to and shall have the benefit of the provisions contained in this Act.

That all the rules and regulations of any society to be entitled to the benefit of this Act shall be certified, deposited, and enrolled in the same manner as the rules and regulations of any friendly society are required to be certified, deposited, and enrolled, according to the provisions of the Act, 4 & 5 Will. 4. c. 40, intituled, 'An Act to amend an Act of the Tenth Year of His Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies;' and that all the provisions of the said Act, as well as the Act, 10 Geo. 4, to consolidate and amend the laws relating to Friendly Societies, as amended by the said Act, shall be applicable to the framing, certifying, enrolling, and altering rules of Friendly Societies, shall be applicable to the

framing, certifying, enrolling, and altering the rules and regulations of any Society to be established under the provision of this Act.

ix. That all rules and regulations from time to time made and in force for the management of any such society be enrolled, and duly enrolled, shall be entered in a book or books to be kept by an officer of such institution to be appointed for that purpose, and which book or books shall be open at all seasonable times for the inspection of persons receiving assistance from such institution, and shall be binding on the several members and officers of such society, and the several persons receiving assistance from the same, and their representatives, as well as those parties who may become the sureties for the repayment of any loan, all of whom shall be deemed and taken to have full notice thereof by such entry and deposit with the clerk of the peace or town clerk; and the entry of such rules and regulations in such book or books as aforesaid, or the transcript thereof, deposited with the clerk of the peace or town clerk, or a true copy of such transcript, examined with the original, and proved to be a true copy, shall be received as evidence of such rules and regulations respectively in all cases; and no certiorari shall be brought or allowed to remove any such rules or regulations into any of His Majesty's courts of record; and every copy of any such transcript deposited with any clerk of the peace or town clerk as aforesaid shall be made without fee or reward, except the actual expense of making such copy, and such copy shall not be subject to any stamp duty.

x. That all monies, goods, chattels, and effects whatsoever shall be vested in the trustee or trustees of such Institution for the time being, for the use and benefit of such Institution and the respective members thereof, their respective executors and administrators, according to their respective claims and interest, and after the death, resignation, or removal of any trustee or trustees shall vest in the succeeding trustee or trustees, for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever, and also shall, for all purposes of action or suit, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed and taken to be and shall in every such proceeding (where necessary) be stated to be the property of the person or persons appointed to the office of trustee or trustees of such Institution for the time being, in his or their proper name or names, without further description; and such person or persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, criminal as well as civil, in law or equity, touching or concerning the property, right, or claim aforesaid of such Institution, and to sue and be sued, plead and be impleaded, in his or their proper name or names, as trustee or trustees of such Institution, without other description; and no suit, action, or prosecution shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of trustee or trustees as aforesaid, but the same shall and may be proceeded in by the succeeding trustee or trustees in the proper name or names of such person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding trustee or trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such Institution.

xi. That if any treasurer or other officer or officers or other person whatsoever who shall be intrusted with the receipt or custody of any sum or sums of money the property of such Institution, or any interest or dividend arising from time to time thereby, shall be required by the rules or regulations of such Institution to become bound with sureties for the just and faithful execution of such office or trust in such sum or sums of money as shall be required by the rules and regulations of such Institution; such security shall and may be given by bond or bonds to the clerk of the peace for the county, county of a city, county of a town or place where such Institution shall be established for the time being, without fee or reward; and in case of forfeiture it shall be lawful for the trustees of such Institution to sue upon such bond or bonds in the name of the clerk of the peace for the time being, and to carry on such suit at the costs and charges of and for the use of the said Institution, fully indemnifying and saving harmless such clerk of the peace from all costs and charges of such suit or suits, or in respect thereof, and no bond or security so to be given shall be subject to or chargeable to any stamp duty whatsoever.

xii. That it shall not be lawful to and for any such society to make any loan to any one individual at any one time exceeding in amount the sum of 15*l*.: Provided nevertheless, that no second or other loan shall be made to the same individual until the previous loan is repaid.

xiii. That no note or other security or undertaking which may be entered into for the repayment of any loan made under this Act in manner hereinbefore provided, nor any receipt or entry in any book of receipt for money lent or paid, nor any draft or order, nor any appointment of any agent, nor any other instrument or document whatever required to be given, issued, made, or provided in pursuance of the rules and regulations of the society, shall be subject to or chargeable with any stamp duty, whatever.

xiv. That all notes and securities entered into for the payment of such loans shall be made payable to the treasurer or clerk for the time being of the said Institution: and if the party or parties liable to pay the same shall fail to make full payment of the money of the sum in the note or security mentioned, or any part thereof, for seven days after demand made on such party, or left at his usual place of abode, by or on behalf of the treasurer or clerk for the time being of the said Institution, it shall and may be lawful for any one or more of His Majesty's Justices of the Peace for the county, riding, city, division, or place where the person or persons respectively so refusing to pay any of such notes or securities as aforesaid shall or may happen to be resident, and such Justice or Justices is and are hereby required, upon complaint made by such treasurer or clerk as aforesaid, to summon the person or persons against whom such complaint shall be made; and after his, her, or their appearance, or in default thereof upon due proof upon oath of such summons or warning having been given or left as aforesaid, such Justice or Justices shall proceed to hear and determine the said complaint, and award such sum to be paid by the person or persons respectively liable to the payment of any such note or security to such treasurer or clerk as aforesaid as shall appear to such Justice or Justices to be due thereon, together with such a sum for costs, not exceeding the sum of ten shillings, as to such Justice or Justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum or sums as upon such complaint as aforesaid shall be adjudged, upon the same being demanded, such Justice or Justices shall by warrant under his or their hand and seal or hands and seals, cause the same to be levied by distress and sale of the goods and chattels of such party or parties neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and all expenses

the copies of any such proceedings shall be removed by certiorari or otherwise into any of His Majesty's superior courts of record.

It shall and may be lawful to and for the trustees or managers of any Institution established under the provisions of this Act to demand and receive, from the person to whom any loan may be made, at the time of making the same, the full amount of interest at the rate of 5l. per centum per annum which would be due for the time the money may be advanced, or to receive the amount of such interest at such other time or times and in such proportion or proportions as the said trustees or managers may think fit, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Parliament relating to usury.

I. That the provisions of 10 Geo. 4. c. 56, and 4 & 5 Will. 4. c. 40, shall extend to the islands of Guernsey and Jersey and Isle of Man, and that the rules and alterations of rules of any society established or to be established in the islands of Guernsey, Jersey, and Isle of Man, under the said last-mentioned Act or this Act, shall be submitted to the barrister at law for the time being appointed to certify the rules of savings banks in England.

II. That this Act shall be deemed a public Act, and shall extend to England, Wales, Berwick-upon-Tweed, and the islands of Guernsey, Jersey, and Isle of Man, and be judicially taken notice of as such by all Judges, Justices, and others, without the same being specially shewn or pleaded.

CAP. XXIV.

AN ACT for the Encouragement of the voluntary Enlistment of Seamen, and to make Regulations for more effectually manning His Majesty's Navy.

(21st August 1835:)

ABSTRACT OF THE ENACTMENTS.

1. Naval service limited to five years.—If the ship be abroad, seamen, on the expiration of their service, to be sent home by the earliest opportunity.—Admiral, in case of emergency, may detain them six months longer with one-fourth increase of pay.—Seamen under arrest for trial not to be discharged until after trial, &c. to perform their duties, and be amenable to naval discipline until discharged.
2. Discharged seamen to receive certificates, on which protections are to be issued to them.
3. Penalties for forging certificates, &c.
4. Bounties to seamen.
5. Seamen in the service at the time of the issuing a proclamation calling for the services of seafaring men, to continue and be paid the usual bounty.
6. Seamen, after five years service, agreeing to continue, to be entitled to a fresh bounty.
7. Pensioners volunteering to receive their pensions in addition to their pay.
8. Pensions in favour of volunteers extended to colonial seamen, who on their discharge shall be sent to their homes.
9. Act not to diminish the authority of the Admiralty in the discharge of seamen.—Seamen may obtain their discharge on providing certificates.
10. Act may be amended this session.

By this ACT,

After reciting that it is expedient to limit the duration of the service of seamen in His Majesty's Navy, and to increase the inducements to seafaring men voluntarily to enter into the same:—

It is Enacted,

1. That no person shall be liable to be detained against his consent in the naval service of His Majesty for a longer period than five years, to be computed from the day of his being entered into the same, unless he shall have voluntarily entered for a longer term, and except as hereinafter provided; and that at the expiration of such period of continuous service he shall, upon his application for that purpose, be entitled to be discharged; and if the ship on board which he shall be serving be in any port of the United Kingdom he shall be forthwith discharged; and in cases of men serving on board ships absent from the United Kingdom, the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, shall cause the necessary orders and instructions to be given to all Admirals and other officers in command of His Majesty's ships, that about the time when the period of their respective services shall expire every person entitled to his discharge, on signifying to his commanding officer his wish no longer to continue in the service, shall be discharged forthwith, if he desire it, or shall be sent by the earliest convenient opportunity, in some ship of His Majesty, to some port of the United Kingdom, to be there discharged: Provided always, nevertheless, that if the Admiral or commanding officer of the fleet or squadron under whose command he shall be shall, in consequence of any special emergency, deem it hazardous to the public service forthwith to discharge him, then such Admiral or commanding officer shall have power to detain him in the service for a further period of six calendar months, or until such emergency shall have ceased; and in every such case the person so detained shall be entitled to receive for each entire service one fourth in addition to the pay of his rating: Provided also, that if any seaman shall be under sentence of death at the period at which he shall be so entitled to his discharge, then such discharge shall not take place until such sentence shall have been reversed, or, in case he shall have been put under arrest in order to be brought to trial for any offence, until he

shall have been tried for such offence, and have undergone the punishment to which he may be adjudged for the same by a court-martial: And provided further, that nothing in this Act contained shall be construed to exempt any person entitled to his discharge from the performance of the duties of his station until he shall have been actually discharged; and every such person, so long as he shall be in the service, shall be amenable and subject to the discipline of the Navy, and the several provisions of the laws in being relating to the government of His Majesty's ships, vessels, and forces by sea.

II. That every such seaman who may have served the said term of five years, whilst any proclamation of His Majesty for the services of seafaring men shall have been in force, shall, upon being discharged from the Navy, be entitled to from the captain or commanding officer of the ship from which he shall be so discharged a certificate of his service containing a description of his age, person, and place of birth, upon the production at the Admiralty Office of which and of certificates as to his service in any other of His Majesty's ships in which he may have served during such period of five years; and which certificates the captains of such ships are hereby required to give him on his discharge from the same respectively upon a comparison of the dates and particulars to be expressed in such certificates with the muster books of the several ships in which he shall have served, provided the particulars shall be found correct and the certificates be found genuine, and a protection from service in the Navy for the space of two years shall be issued to every such seaman gratis, under the hands of more of the Commissioners for executing the office of Lord High Admiral and the seal of the office of Admiralty, in such manner as the said Commissioners shall think fit: Provided always, that if any such seaman shall be discharged, except upon his own application, before the term of his service shall amount to five years as aforesaid, a protection shall be granted to him for the space of one year only.

In order to prevent as far as may be frauds and impositions with respect to protections:—

It is Enacted,

III. That if any person shall forge or counterfeit any certificate of service in His Majesty's Navy, or any instrument purporting to be a protection from such service, or shall fraudulently utter or publish any forged certificate of such service, or shall fraudulently utter or publish any forged instrument purporting to be a protection from such service, knowing the same to be forged, or shall fraudulently alter any certificate or protection which shall have been duly granted or issued; or if any person shall forge or fraudulently alter any extract from a baptismal register, or shall knowingly utter any false or fraudulently altered extract from a baptismal register, or any false affidavit, certificate, or other document, in order to obtain from the Admiralty office a protection from His Majesty's naval service for himself or any other person; or if any person, being in the possession of a protection, shall sell, or dispose thereof to any other person, in order fraudulently to enable such other person to make an unlawful use of the same; or if any person shall produce, utter, or make use of as a protection for himself any protection which shall have been made out or issued for any other individual; every person in any such manner offending shall be deemed guilty of a misdemeanour, and such protection shall thenceforward be null and void.

And for the encouragement of seamen and others to enter into His Majesty's naval service:—

It is Enacted,

IV. That every seaman, seafaring man, or other person who within six days after any proclamation of His Majesty for the services of seafaring men shall have been published in any port of the United Kingdom or of any of His Majesty's Colonies, shall at such port enter himself in His Majesty's naval service with any officer authorized to receive volunteers for the Royal Navy, shall, in addition to the advantages given to volunteers by an Act, 21 Geo. 4. c. 30, to amend and to alter the laws relating to the pay of the Royal Navy, be entitled to receive double the amount (according to his rating) of the bounty offered by any such proclamation; and that in the cases of seamen serving in merchant vessels which shall be at the time when any such proclamation shall be issued, every such person who shall enter himself with an officer of the Royal Navy within six days after the first arrival of any such ship at any such port as aforesaid, or within half an hour after any such ship of His Majesty's Navy shall have visited any such ship before her arrival at any such port, shall also be entitled to receive like double bounty.

v. That the seamen who shall at the time of the issuing of any such proclamation as aforesaid be serving in the Navy, shall not be entitled to be discharged, but shall continue to serve therein for a period of five years, in case their services shall be so long required; and in consideration of their being so required to continue in the service for such further period they shall be entitled to receive and shall be paid the same amount of bounty as shall by any order in council or proclamation of His Majesty then in force be offered to seamen of their respective classes, and shall also be entitled to their discharge at the expiration of that period, in the same manner and under regulations similar to those established by this Act with respect to other seamen.

As an encouragement to seamen to continue in the naval service:—

It is Enacted,

VI. That every seaman belonging to the fleet whose period of five years service shall expire during the time when any proclamation as aforesaid shall be in force, and who previous to the expiration of such service shall signify to his commanding officer his desire to continue therein for a further period of five years, and shall be allowed to re-enter accordingly, shall upon re-entry be entitled to be paid the single bounty offered by His Majesty's proclamation to volunteers of his class and rank; and every such volunteer shall at the expiration of such second period of five years be entitled to his discharge, under the same regulations as are hereinbefore provided with respect to persons entitled to their discharge after the first period of service.

VII. That whenever any seaman in the receipt of a pension for wounds or prior services, and being able-bodied, shall be in the naval service, shall, when any such proclamation as aforesaid shall be in force, voluntarily enlist, and shall be allowed to serve in the Navy, he shall, in addition to the pay and other advantages to which he may be entitled, be allowed to continue in such pension during the time he shall continue in such further service and in the faithful discharge of his duties.

XX. That the provisions contained in this Act in favour of volunteers shall be extended to the seamen belonging to the British Colonies who shall freely enter themselves to serve in the Navy; and that all such colonial seamen, after being discharged at the expiration of five years service, in case they shall be desirous to return to their native colony, shall either be conveyed thither free of expense, or be allowed a gratuity in money sufficient to cover the cost of their return thither, as the Commissioners for executing the office of Lord High Admiral shall think fit.

XXI. Provided, That nothing in this Act contained shall extend to controul or diminish the authority vested in the Lord High Admiral and the Commissioners for executing the office of Lord High Admiral to discharge, as he or they shall think fit, or to order the discharge of any seaman from His Majesty's naval service; and that if any seaman shall be desirous of being discharged from the naval service before the expiration of the period of five years for which he shall be engaged or shall be bound to serve, and shall provide one able seaman or two able-bodied landmen to serve in his stead, for a period of five years (if their services shall be so long required), every such seaman shall, upon the approval of such substitutes by the proper officer of the Admiralty, and upon their being actually received into the service on board any one of His Majesty's ships of war, be forthwith discharged from the Navy, and shall be entitled to the same protection as if he had completed a period of five years service.

XXII. That this Act may be altered, amended, or repealed by any other Act or Acts to be passed during this present session of Parliament.

CAP. XXV.

AN ACT to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office.

(21st August 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Postage on letters to and from foreign parts to be taken in one steady sum.
2. Optional payment of postage on letters to foreign parts.
3. Rates of postage marked on foreign letters to be deemed the amount of postage payable.
4. No letters liable to any foreign rates of postage to be received free.
5. Registering certain letters.
6. Restrictions.
7. Postmaster General empowered to reduce postage on letters to and from foreign parts.
8. Reduction of postage on ship letters.
9. Reduction in masters of vessels conveying letters.
10. Letters may be sent by other vessels than packets.
11. Limitation of rates of postage on ship letters in Ireland to the rates on ship letters in Great Britain.
12. Letters from China liable to same rates of sea postage as other letters.
13. Postage on letters from certain places to Ireland.
14. Postage from Ireland to the East Indies, &c.
15. Remission of postage on newspapers by private ships from the colonies.
16. Sea postage on newspapers by private ships from the colonies.
17. Postage on newspapers sent by private ships to the colonies.
18. Reduction of postage on newspapers by private ships to and from foreign ports.—Proviso.
19. Postage on newspapers to and from foreign parts may be again increased.
20. Allowance to masters and commanders for newspapers delivered to or by them from or to the Post Office.
21. No letter rates under Art. 59 Gen. 3. c. 111.
22. Newspapers to be sent without a cover, or in a cover open at the sides.
23. Newspapers sent out of the kingdom to be put into the post within seven days from the time when published.
24. Postmaster General may examine newspapers sent by the post to discover whether any writings or marks are upon them, or any papers enclosed with them.
25. Delivery of papers to be conveyed by the post.
26. Remission of part of 9 Ann. c. 10.
27. Remission to be paid into the hands of the Receiver General.
28. Remission of arrears of postage by distress of goods.
29. Remission to be in the form specified in the Schedule.
30. Extension of sections.
31. Penalties.

Enacted by the King, that by virtue of divers Acts of Parliament His Majesty's Postmaster General is authorized, to and for the use of His Majesty, His Heirs and Successors, to demand, have, receive, and take certain rates of postage for the conveyance of letters and packets by the Post between the United Kingdom and foreign parts: And that in addition to the said rates, such

And after reciting that by an Act, 39 Geo. 3. c. 76, the Postmaster General is authorized to collect and receive letters and packets of letters, directed to places within His Majesty's dominions, also to any the kingdoms and countries beyond the seas, and to send the same by any ships or vessels that he in his discretion shall think fit, although not packet boats, and to receive, and to send for the use of His Majesty, his heirs and successors, for every letter and packet which shall be delivered to him and his deputies for conveyance in the manner thereinbefore specified, a sum not less than one half part of the duties payable by law for such respective letters and packets if the same were conveyed by packet boats, and in cases where no rate of postage is already established, then to demand and receive for such letters and packets rates, as near as the same can be ascertained, equal to one half of what is paid for letters sent beyond the seas: And that it is expedient that the rates of postage imposed by the said Act should be reduced;—

And after reciting that by an Act, 39 Geo. 3. c. 76, the Postmaster General is authorized to collect and receive letters and packets of letters, directed to places within His Majesty's dominions, also to any the kingdoms and countries beyond the seas, and to send the same by any ships or vessels that he in his discretion shall think fit, although not packet boats, and to receive, and to send for the use of His Majesty, his heirs and successors, for every letter and packet which shall be delivered to him and his deputies for conveyance in the manner thereinbefore specified, a sum not less than one half part of the duties payable by law for such respective letters and packets if the same were conveyed by packet boats, and in cases where no rate of postage is already established, then to demand and receive for such letters and packets rates, as near as the same can be ascertained, equal to one half of what is paid for letters sent beyond the seas: And that it is expedient that the rates of postage imposed by the said Act should be reduced;—

It is Enacted,

That the rates of postage granted by the said last-recited Act for the conveyance of letters and packets through the post, by ships or vessels not being packet boats, shall be and the same are hereby repealed, and that in lieu thereof it shall and may be lawful for His Majesty's Postmaster General for the time being, and his deputy and deputies by him thereunto authorized, in and by their discretion, to collect and receive letters and packets of letters, directed to places within His Majesty's dominions, also to any the kingdoms and countries beyond the seas, and to forward the same by any ships or vessels that he in his discretion shall think fit, although not packet boats or ships or vessels by which the Postmaster General shall have contracted for the conveyance of mails of letters pursuant to 2 Will. 4. c. 15; and that it shall be lawful for His said Majesty's Postmaster General, and his deputy and deputies by him thereunto authorized, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take, for every letter and packet which shall be delivered to him or his deputies for conveyance in manner lastly hereinbefore mentioned, (except letters and packets sent by private ships from Great Britain to Ireland, or from Ireland to Great Britain, or between any ports or places in Great Britain or Ireland,) the rates of postage hereinbefore mentioned; (that is to say,) if such letter or packet be posted at the port from which such ship or vessel shall sail, or at which such ship or vessel may touch, a rate of 8d. for every single letter, and so in proportion for packets; and if such letter or packet shall be posted at any other part of the United Kingdom than the port from which such ship or vessel shall sail, or at which such ship or vessel may touch, a rate of 1s. for every single letter, and so in proportion for packets; and for every letter or packet which shall be delivered to the Postmaster General or his deputies for conveyance in manner lastly hereinbefore mentioned, from Great Britain to Ireland, and from Ireland to Great Britain, or from any port or place in Great Britain or Ireland to any other port or place within the same, or either of them, a rate of 8d. on every single letter, and so in proportion as aforesaid for packets, other and above and in addition to any rates which may arise on the inland conveyance of such last-mentioned letters or packets within Great Britain and Ireland: Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the rates which the Postmaster General and his deputy and deputies are authorized to demand, have, receive, and take for letters and packets delivered to him or them for conveyance to Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope; by 59 Geo. 3. c. 111; but the provisions of this clause shall nevertheless be deemed and construed to extend to and include letters and packets directed to China;

And for the encouragement of the masters of such ships or vessels,—

It is Enacted,

That it shall be lawful to and for the said Postmaster General to allow all such masters the sum of 2d. a letter or packet sent by ship or vessels other than packet boats, as they shall respectively have or take on board such ship or vessel, provided such letters and packets shall have been delivered to them from the Post Office.

And nothing herein contained shall extend or be construed to extend to prevent any person or persons, at his or their discretion, from sending any letters or packets by any ship or vessel (not being a packet boat or ship or vessel by which the Postmaster General shall have contracted for the conveyance of mails of letters pursuant to the said Act, 2 Will. 4. c. 15), from any port to any place out of Great Britain or Ireland, otherwise than through the Post Office: Provided always, that nothing herein contained shall extend in anywise to authorize or empower any person or persons to make any collection of duties contrary to the laws now in force relating to the Post Office.

And after reciting that it is expedient that the rates on letters brought into that part of the United Kingdom called Ireland by ships other than packet boats should be assimilated to the rates on ship letters brought into Great Britain:—

It is Enacted,

That from and after the passing of this Act it shall and may be lawful to and for the Postmaster General and his deputy and deputies to demand, have, receive, and take for every letter which shall be brought into Ireland by ships and vessels other than packet boats from places within His Majesty's dominions, and any the kingdoms and countries beyond the seas, other than and from the Cape of Good Hope, the Mauritius, Ceylon, and the East Indies, (in lieu of the rates of sea postage now payable on such letters and packets by sea postage (over and above any inland rates) as under or by virtue of an Act, 55 Geo. 3. c. 153, for granting certain Rates on the Postage of Letters to and from Great Britain, the Cape of Good Hope, the Mauritius, and the East Indies; and for making certain Regulations respecting the Postage of Ship Letters, and of Letters in Great Britain, would be payable on such letters and packets if brought by such ships or vessels into Great Britain;

And from and after the passing of this Act every letter or packet which shall be brought into Great Britain or Ireland by ships other than packet boats, from any port or place in China, shall be liable to and chargeable with the same rates

of sea postage (over and above any inland rates) as would be payable under or by virtue of the said Act, 55 Geo. 3. c. 11, if letters or packets were brought into Great Britain by ships or vessels other than packet boats from any other foreign port, and so much of the said last-mentioned Act as enacts that nothing therein contained shall extend to any letters or packets from China shall be and the same is hereby repealed.

XIII. That it shall be lawful for His Majesty's Postmaster General and his deputies to demand, have, receive, and take for every letter or packet which shall be brought into Ireland by any ship or vessel arriving from the Cape of Good Hope, the Mauritius, Ceylon, or the East Indies, the like rates of sea postage (over and above any inland rates) as under or by virtue of the said Act, 55 Geo. 3. would be payable on such letters and packets if brought by such ships or vessels into Great Britain; and the commander or master of every such ship or vessel the like allowances in respect of such letters and packets as by law be allowable in case such letters and packets had been brought into Great Britain.

XIV. That it shall be lawful for His Majesty's Postmaster General, and his deputy and deputies by him thereto authorized to collect and receive in Ireland letters and packets directed to the Cape of Good Hope, the Mauritius, Ceylon, or the East Indies, and to forward the same by any ships or vessels that he or they in his or their discretion shall think fit; and to demand, have, receive, and take for every such last-mentioned letter or packet the like rates of sea postage (over and above any inland rates) as under or by virtue of the said Act, 55 Geo. 3. would be payable on such letters and packets if the same were brought into Great Britain; and the masters and commanders of all ships and vessels sailing from Ireland bound to the Cape of Good Hope, the Mauritius, Ceylon, or the East Indies are hereby required to receive on board their respective ships any letters and packets which shall be tendered to them for conveyance as aforesaid by the Postmaster General or any officer of the Post Office, without receiving or being entitled to receive any remuneration for such conveyance.

And after reciting that by an Act, 7 & 8 Geo. 4. c. 21, the Postmaster General is authorized to demand and receive for the use of His Majesty, his heirs, and successors, for every newspaper printed within His Majesty's colonies and possessions beyond the seas, and brought into Great Britain and Ireland by any ship other than a packet, and delivered at any post office the sum of three-pence: and that newspapers printed within the United Kingdom, and sent from thence by ships and (other than packet boats) to His Majesty's colonies and possessions beyond the seas (other than and except the East Indies) are now liable to the same rates and duties of postage as letters: And that it is expedient that the rates of postage on such newspapers should be reduced:—

It is Enacted,

XV. That from and after the passing of this Act so much of the said Act passed in the 7 & 8 Geo. 4. as subjects newspapers printed within His Majesty's colonies and possessions beyond the seas, and brought into Great Britain and Ireland by other than packets, to a rate of three-pence each, shall be and the same is hereby repealed.

XVI. That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General and his deputies, for the use of His Majesty, his heirs and successors, to demand and receive for the conveyance of every newspaper printed within His Majesty's colonies and possessions beyond seas, and brought into the United Kingdom by any ship other than a packet boat, and delivered by the commander of any such ship or vessel at any post office, the sum of one penny on delivery thereof within the United Kingdom to the person or persons to whom the same shall be addressed.

XVII. That it shall be lawful for His Majesty's Postmaster General for the time being, and his deputy and deputies in Great Britain and Ireland, to receive at any post office printed newspapers liable to the stamp duty, and duly stamped, directed to any place within any of His Majesty's colonies and possessions beyond the seas, and to forward the same by any vessel that he in his discretion may think fit (not being packet boats), and to demand, have, receive, and take for every newspaper which shall be delivered to him or his deputies for conveyance in manner last aforesaid the sum of one penny.

And after reciting that foreign newspapers brought into the United Kingdom by ships or vessels other than packet boats, and newspapers printed within the United Kingdom, and sent from thence by ships and vessels other than packet boats, are now liable, on conveyance by the post, to the same rates and duties of postage as letters; and that it is expedient that the rates on all such newspapers should be reduced:—

It is Enacted,

XVIII. That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General, and his deputy and deputies in Great Britain and Ireland, to receive at any post office printed newspapers liable to the stamp duty and duly stamped, directed to any kingdom or country beyond the seas (other than His Majesty's colonies and possessions), and to forward the same to any foreign port by any ships or vessels that he in his discretion may think fit (not being packet boats), and to demand, have, receive, and take, for the use of His Majesty, his heirs and successors, for every newspaper which shall be delivered to him or his deputies for conveyance in manner last aforesaid the sum of one penny; and for every newspaper printed in any kingdom or state beyond the seas (other than His Majesty's colonies and possessions), and brought into the United Kingdom by any ship or vessel (other than a packet boat), and delivered by the commander of any such ship at any post office, (if printed in the language of the foreign kingdom or state from which the same shall be forwarded otherwise,) it shall be lawful for His Majesty's Postmaster General and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand and receive the sum of one penny on delivery thereof within the United Kingdom to any person or persons to whom the same shall be addressed: Provided always, that before any newspapers to or from any kingdom or state shall be permitted to be conveyed or delivered under the provisions of this clause satisfactory proof shall have been laid before the Postmaster General for the time being, that printed newspapers sent from Great Britain and addressed to any person or place in any such foreign kingdom or state, are allowed to pass by the post within any such foreign kingdom or state free of postage, and also that newspapers addressed to any person or place in Great Britain or Ireland, or any such foreign kingdom or state are allowed to pass by the post within such foreign kingdom or state free of postage: it is hereby declared, that as to every newspaper sent into any post office within Great Britain or Ireland, for conveyance by ships or vessels other than packet boats, addressed to any person or place in any foreign kingdom or state to which printed newspapers from Great Britain or Ireland shall not be allowed to pass by the post free of postage, it shall be lawful for His Majesty's

Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid), and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand, have, receive, and take, for the conveyance of every newspaper to any foreign port, the sum of two-pence; and as to every newspaper addressed to Great Britain or Ireland, or brought into the United Kingdom by any ship or vessel other than a packet boat from any foreign kingdom or state in which such printed newspapers shall not be allowed to pass by the post free of postage, it is hereby declared, that it shall be lawful for His Majesty's Postmaster General for the time being (until such satisfactory proof shall be laid before him as aforesaid), and his deputy and deputies, to and for the use of His Majesty, his heirs and successors, to demand, have, receive, and take, for the conveyance of every such newspaper by the post, the sum of two-pence on delivery thereof to the person to whom the same shall be addressed, over and above and in addition to any postage charged thereon by any foreign post office, provided every such paper be printed and published in the language of the kingdom or state from which the same shall be forwarded.

And it is enacted, that in circumstances may arise which may render it expedient again to impose and demand the said sum of two-pence by the said last-mentioned clause granted, after the same shall have ceased to be demanded by reason of such satisfactory proof having been laid before the Postmaster General for the time being as aforesaid:—

And it is enacted, that it shall be lawful for His Majesty's Postmaster General for the time being, by and with the consent of the Lords Commissioners of His Majesty's Treasury, or any three or more of them, at any time after such satisfactory proof shall have been laid before His Majesty's Postmaster General for the time being as aforesaid, again to impose, demand, and receive the said respective rates of two-pence for the conveyance of any such printed newspaper to any foreign port, and on the delivery of any such printed newspaper from any foreign kingdom or state, whenever it shall be deemed expedient so to do.

And it is enacted, that it shall be lawful for the Postmaster General to allow and pay the masters and commanders of ships and vessels the sum of one penny on every printed newspaper which shall be brought into the United Kingdom under the provisions of this Act, and be delivered by them at the post office of the post town at which they shall touch or arrive, and the like sum of one penny on every printed newspaper which shall be delivered by the Postmaster General or his deputies to any such masters or commanders for conveyance under the provisions of this present Act.

XII. That nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the rates which the Postmaster General and his deputy and deputies are authorized to demand, have, receive, and take by the said Act, 59 Geo. III. c. 11. for newspapers delivered to him or them for conveyance to the Cape of Good Hope, Ceylon, the Mauritius, or the East Indies, which Act it is hereby declared shall be deemed and construed to extend to newspapers posted in Ireland for conveyance to any of the said last-mentioned places; but the provisions of this Act shall nevertheless be deemed to extend to and include newspapers brought into the United Kingdom from the Cape of Good Hope, Ceylon, the Mauritius, the East Indies, and China, and also newspapers delivered to the Postmaster General or his deputies directed to China.

XIII. That no newspaper shall be sent by the post under the provisions of this present Act unless every such paper be sent with a cover, or in a cover open at the sides, and that there be no words or communication printed on such paper after the same shall have been published, nor any writing or marks upon such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, and so that there be no paper or thing enclosed or concealed in or with such printed paper or the cover thereof, nor any printed words or communication on the cover thereof.

XIV. That every printed newspaper to be sent out of the United Kingdom under the provisions of this Act shall in all cases be posted at the post office or receiving office in Great Britain or Ireland within seven days next after the day on which the same shall be published, the day of publication to be ascertained by the date of such paper; and in case any such paper shall be put off for publication at any time after the expiration of such seven days, it shall and may be lawful for His Majesty's Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper, or to forward the same by the post charged with the full duty of letter postage according to the rates now established by law.

XV. That it shall be lawful for His Majesty's Postmaster General, and his deputy and deputies, or any of the officers employed under him or them respectively, to examine and search any printed newspaper which under the provisions of this Act shall be sent by the post without a cover, or in a cover open at the sides as aforesaid, in order to discover whether any words or communication have or has been printed on such paper after the same was published, or whether there is any writing or mark upon such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, or whether there is any paper or thing enclosed or concealed in or with such printed newspaper or the cover thereof, or whether there are any printed words or communication on the cover thereof, or whether the papers brought into the United Kingdom from any foreign kingdom or state shall be printed and published in the language of the kingdom or state from which they shall have been forwarded, and also in order to discover whether newspapers printed and posted in the United Kingdom are duly stamped; and in case any words or communication shall be found to have been printed on any such paper after the same was published, or any writing or mark shall be found on any such printed paper or the cover thereof, other than the name and address of the person to whom it is sent, or any other paper or thing shall be found to be enclosed or concealed in or with such printed paper or the cover thereof as aforesaid, or any printed words or communication shall be found upon the cover thereof, or in any newspaper brought into the United Kingdom from any foreign kingdom or state shall not be printed and published in the language of the kingdom or state from which the same shall have been forwarded, the whole of every such packet addressed and delivered to any person within the United Kingdom shall be charged with treble the duty of letter postage, according to the rates now established by law; and as to every such paper or packet going out of the United Kingdom, it shall be lawful for the Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper or packet, or to forward the same by the post charged with the duty of letter postage; and in case any newspapers printed and posted in the United Kingdom, and sent by the post under the provisions of this Act, shall appear not to have been duly stamped, or to be unduly stamped, and sent to the Commissioners of Stamps at London or Dublin, on the same manner, and to be stamped

enrolled and all papers to be conveyed by the post under the provisions of this Act shall be delivered to the
General, or his deputy or deputies at such hours in the day and under all such regulations as the Federal Civil Control
time being shall in his discretion from time to time appoint.

any part or place beyond the seas, in any ship or vessel which is not a free ship and navigated with such seamen as the laws of this land the same are required to be, the Postmaster General for the time being shall in every such case for sum of 100l. sterling, shall be and the same is hereby repealed.

xxvii. That the several rates and duties of British postage hereinbefore granted shall be paid from time to time out of the hands of the Receiver General for the time being of the revenue of the Post Office, who shall pay the same (the necessary expenses for collecting, paying, and accounting for the same being first deducted) into the receipt of His Majesty's Exchequer, on the days and times and in such manner as the present rates and duties are directed by law to be paid; and the said duties shall be paid into the said receipt as aforesaid shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

xxviii. That so often as any sum or sums of money, not exceeding 20*l*., shall be due from any person or persons in Great Britain or Ireland; (whether under this Act, or under any other Act or Acts relating to the Post Office,) for the postage of any letter or packet, letters or packets, to him, her, or them, delivered by any deputy, agent, or letter carrier under His Majesty's Postmaster General, or which shall be due from any deputy, agent, or letter carrier in Great Britain or Ireland, for the postage of any letters or packets to him, her, or them intrusted for delivery under the authority of the said Postmaster General, or from any other person or persons employed or to be employed in receiving or collecting the postage of letters or packets, or of the Post Office revenue, it shall be lawful for any constable, tithingman, or other peace officer of the county, city, town, or place, where such person or persons shall reside, first obtaining a warrant for that purpose of and to be signed and sealed of any one or more of His Majesty's Justices acting in and for such county, riding, division, or place, (which Justice or Justices on complaint made to him or them shall summon the party complained against, and the witnesses on either side, and examine into the matter of fact, and shall grant such warrant, on due proof being given to the satisfaction of such Justice or Justices, that the sum or sums due and owing from such person or persons as aforesaid by the voluntary confession of the party, or by the oath of one or more witness or witnesses,) to distrain such person or persons by his, her, or their goods and chattels to the amount of such debt, and the distress so to be taken to detain and keep for the space of five days at the costs and charges of such person or persons; and if he, she, or they shall not within the time pay the amount of such debt, with the costs and charges of taking and keeping such distress, then the goods and chattels so distrained shall be sold by such constable, tithingman, or other peace officer, who shall render the overplus (if any) of the money arising by the sale thereof, after deducting the amount of such debt and the costs and charges of taking, keeping, and selling such distress, to the person or persons so to be distrained as aforesaid; and for the purpose of taking such distress it shall be lawful for such constable, tithingman, or other peace officer, when any refusal or resistance shall be made, to break open in the daytime any place where any goods or chattels of such person or persons shall be, and if no sufficient distress can be had as aforesaid, to levy the said debt and charges, then such Justice or Justices shall commit such person or persons to the prison, county, riding, division, city, town, or place, there to remain until such debt and charges shall be fully paid and satisfied.

XXXI. That every complaint, information, summons, conviction, warrant of distress or commitment, or other such thing, which shall be had or taken under the provisions of this Act for the recovery of any postage or postage duty, shall be drawn or made out according to the several forms contained in the Schedule hereunto annexed, or to the effect thereof, as the case shall require, and every such complaint, information, summons, conviction, warrant, or other thing, which shall be so drawn or made out shall be good and effectual to all intents and purposes whatsoever, in the same, on the facts or evidence in any more particular manner than is required in and by such forms respectively; and whenever the term "Officer of the Post Office" occurs in this Act or the Schedule thereto, the same shall be construed to include any deputy, agent, officer, clerk, letter carrier, or other person employed by or under the Post Office, and may be his particular office or employment; and that whenever the term "East Indies" occurs in this Act, the same shall be construed to mean and include every port and place within the limits of the charter of the united company of merchants commonly called The East India Company, not being in China; and that whenever in this Act, or the Schedule thereto, reference to any person, matter, or thing, any word or words is or are used importing the singular number or the gender only, yet such word or words shall be understood to include several persons as well as one person, females as well as males, bodies politic or corporate as well as individuals, and several matters or things as well as one matter or thing, unless otherwise specially provided, or there be something in the subject or context repugnant to such construction.

XXX. That all actions and prosecutions which shall be brought or commenced against any person for anything done or omitted in pursuance of the authority of this Act shall be commenced and prosecuted within three calendar months next after the commission thereof, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall have arisen, and not elsewhere; and notice in writing of such action, and of the cause thereof, shall be given to the defendant, one month at least before the commencement of the action; and the defendant in such action may plead the general issue, and may give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought, after the expiration of such three calendar months, or shall be brought in any other county or place than that in which the cause of action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such notice as aforesaid, or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the plaintiff, the plaintiff shall become complainant, or shall discontinue any such action, or if on demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his or her full costs of suit as between attorney and client, and the like remedy for the same as any defendant may have for costs of suit in other cases at law; and without prejudice to the plaintiff's right to recover his or her costs of suit in any such case.

beginning the trial, the plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be held shall certify in writing his approbation of the action and of the verdict obtained thereupon.

That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULE to which the Act refers.

No. 1.

Form of Complaint whereon to found a warrant of Distress for Recovery of Postage.

BE it remembered, That on this _____ Day of _____ in the _____ Year of our Lord _____ A. B., an Officer of the Post Office, complaineth to me C. D. Esquire, one of His Majesty's Justices of the Peace for the said _____ that the Sum of _____ to His Majesty [or to the said A. B., if the Case be so,] for the Duty of Postage, which he hath refused to pay; and thereupon the said A. B. prayeth of me the said Justice that the said E. F. may be summoned to shew Cause, if any he have, why, upon due Proof being made of the Sum due and owing from him for Postage as aforesaid, a Warrant of Distress should not be granted for recovery thereof pursuant to the Directions of the Statute in that behalf made.

And received by me the Day _____ and Year first above written.

No. 2.

Form of a Summons on the foregoing Complaint.

WHEREAS Complaint hath been made unto me C. D. Esquire, one of His Majesty's Justices of the Peace for the _____ from you to His Majesty [or to A. B. an Officer of the Post Office, if the Case be so,] for the Duty of Postage, which you have refused or neglected to pay; these are therefore to summon you to be and appear before me the said Justice, on the _____ Day of _____ at the _____ noon of the same Day, before me the said Justice, or before such other of His Majesty's Justices as shall be then present, in order that you may shew Cause, if any you have, why, upon due Proof being made of the Sum of Money due and owing from you for such Duty of Postage as aforesaid, a Warrant of Distress should not be granted for the Recovery thereof, pursuant to the Directions of the Statute in that behalf made; and if you fail to appear accordingly such Proceedings will be taken as if you had appeared and had not shewn any sufficient Cause why such Warrant should not be granted. Given under my Hand and Seal this _____ Day of _____

No. 3.

Form of a Warrant of Distress, founded on the foregoing Complaint.

Constable of _____ [or to C. D. of _____ as the Case may be].

WHEREAS Complaint hath been made that E. F. of _____ is indebted to His Majesty for _____ to A. B. an Officer of the Post Office, if the Case be so, in the Sum of _____ for the Duty of Postage, which he hath refused or neglected to pay: And whereas the said E. F. hath been duly summoned, and due Proof hath been made on Oath before me that the Sum of _____ is due and owing from the said A. B. for such Duty of Postage as aforesaid, and that he hath neglected to pay the same: Therefore I do hereby command you to distrain the said E. F. by his Goods and Chattels, and to levy thereon the said last-mentioned Sum, being _____ for the Costs, Charges, and Expenses of proceeding for and obtaining this Warrant and of the Proceedings incident and relating thereto, making together _____; and if within the Space of Five Days next after the taking of such Distress the Sum of _____ with the reasonable Costs and Charges of taking and keeping such Distress, shall not be paid, then I do hereby command you to sell and dispose of the said Goods and Chattels which shall be so distrained, and that you pay the said Sum of _____ and all reasonable Costs and Charges of taking and keeping such Distress, out of the proceeds of the sale of the said Goods and Chattels.

and selling such distress, rendering the Overplus (if any) to the Owner of the said Goods and Chattels; and you are to let me what you have done by virtue of this my Warrant. Given under my Hand and Seal this _____ day of _____ 18____.

(Signed)

One of His Majesty's Justices of the Peace for the said _____

No. 4.

Form of a Warrant of Commitment for Want of sufficient Distress, founded on the foregoing Complaint.

To the Constable of _____ in the _____ of _____ and also to the Keeper of the County _____

WHEREAS Complaint was made that E. F. of _____ was indebted to His Majesty's _____ A. B., an Officer of the Post Office, if the Case be so, in the Sum of _____ for the _____ Postage, which he had refused or neglected to pay: And whereas the said E. F. was duly summoned to wit, _____ and due Proof was made on Oath that the Sum of _____ was due and owing from the said E. F. for such Duty of Postage as aforesaid, and that he had neglected to pay the same: And whereas a Warrant was issued directed to C. D. of _____ commanding him by Distress and Sale of the Goods and Chattels of the said E. F. to levy the said last-mentioned Sum, being the Amount of such Duty of Postage as aforesaid due and owing from the said E. F., and also the further Sum of _____ for the Costs, Charges, and Expenses of proceeding for and obtaining the said Warrant and of the Proceedings incident and relating thereto, making together the Sum of _____ it now appearing to me, by the Oath of the said C. D., that no sufficient distress can be found whereon to levy the said Costs, and Charges, [or, in case an insufficient Distress shall have been taken, And whereas the said C. D. hath certified that he hath, under the said Warrant, levied and raised the Sum of _____ only; and it now appearing to me, by the Oath of the said C. D., that no sufficient distress can be found whereon to levy the Residue of the said Duty, Costs, and Charges,] therefore I command you the said Constable of _____ to apprehend and take the said E. F., and to convey him to the Common Gaol [or House of Correction] of the said _____ and there to deliver him to the Keeper thereof, together with this Warrant: And I do hereby command you the said Keeper to receive into your Custody in the said Gaol [or House of Correction] him the said E. F., and therein safely to keep until the said Sum of _____, or until the Sum of _____, the Residue of the said Duty, Costs, and Charges remaining after deducting the said Sum of _____, be fully paid and satisfied. Given under my Hand and Seal this _____ day of _____

(Signed)

One of His Majesty's Justices of the Peace for the said _____

CAP. XXVI.—IRELAND.

AN ACT for the Appointment of convenient Places for the holding of Assizes in Ireland.

This Act contains the following enactments:—

- I. 6 Ric. 2. c. 5, 11 Ric. 2. c. 11, in part repealed.
- II. Lord Lieutenant, &c. in Council may direct at what places assizes and sessions shall be held, and that they be holden in more than one place in the county; as also special commissions.
- III. Place for holding assizes not to be changed, or counties divided, unless desired by majority of grand jury.
- IV. Power to divide counties for the purpose of holding assizes in different divisions of the same county.

CAP. XXVII.—IRELAND.

AN ACT to continue and amend certain Regulations for the Linen and Hempen Manufacture in Ireland.

This Act contains the following enactments:—

- I. All flax sold or exposed for sale in fair or market to be of equal cleanness and quality throughout; penalty not exceeding _____ per stone.

Regulations as to reckoning and measuring linen yarn when sold in fair or market.

- III. Places and hours of sale of linen yarn and flax.
- IV. Weavers to wear a two-colored thread, and write his name and residence on every piece of linen, with its length and width.—Penalty for neglect.
- V. Widths of linen cloth.—Yard wide.—7-8ths wide.—3-4ths wide.—9-8ths wide.—5 qrs. wide.—6 qrs. wide.—Penalty.
- VI. How linen cloth shall be exposed to sale in fair or market.
- VII. Linen to be of equal fineness throughout.
- VIII. Linen not to be pasted or spouted.
- IX. What shall be deemed a sale or exposure for sale of linen in fair or market.
- X. Proceedings before Justice or Chief Magistrate upon complaints on oath.
- XI. For settling disputes between buyer and seller in fairs and markets.
- XII. Flax, yarn, and linens not to be subject to regulations unless sold in open market.
- XIII. Sealmasters of brown lineens formerly appointed to be continued.
- XIV. Lord Lieutenant to appoint a committee in each county for regulating sealmasters.
- XV. Committees appointed under 2 & 3 Will. 4. c. 77, to continue, unless superseded.
- XVI. Committee may remove sealmasters, and appoint others.
- XVII. Lord Lieutenant may direct the committee to report the grounds upon which they have dismissed any sealmaster; and such report to be inquired into; and confirm or revoke such dismissal.
- XVIII. Sealmaster shall give security.
- XIX. Committee to prescribe the forms of seals to be used by sealmasters.—Forging seals.
- XX. Residence of sealmasters.
- XXI. Duties of sealmasters.—Their fees.—Penalty for neglect.
- XXII. No person to sell or buy any unbleached linen not sealed.
- XXIII. Sealmasters to measure between buyer and seller.
- XXIV. Buyers may recover from sealmasters for damage or deficiency in linen.
- XXV. Committee shall appoint inspectors.
- XXVI. Penalty of inspectors.
- XXVII. Persons embazzling, &c. linen yarn, &c. shall forfeit three times the value of the same.
- XXVIII. Weavers to fulfil their agreements on pain of forfeiting the value of the yarn.
- XXIX. Neglect to return yarn, &c. after fourteen days notice, deemed as embazzling.
- XXX. Manufacturers making complaint on oath, Justices may order search, and restore possession.
- XXXI. Affirmation of Quaker or Moravian to be taken in lieu of oath.—Perjury.
- XXXII. Complaints where penalty does not exceed 10*l*. may be heard before a Justice or a Chief Magistrate of a town.
- XXXIII. Proceedings upon complaint against sealmaster.
- XXXIV. Offence to be tried where the cloth is seized.
- XXXV. Application of penalties.
- XXXVI. Penalties exceeding 5*l*. and not exceeding 20*l*. recoverable before assistant barrister.—Exceeding 20*l*. by action, &c. in superior courts.—Venue to be laid in the county, &c. where penalties incurred.
- XXXVII. Defendant may plead the general issue.
- XXXVIII. Commencement of Act.

CAP. XXVIII.

AN ACT for removing Doubts as to the Declaration to be made and Oaths to be taken by Persons appointed to the Office of Sheriff of any City or Town being a County of itself.

(23rd August 1835.)

(31st August 1835.)

After reciting that by an Act, 9 Geo. 4. c. 17, intituled, 'An Act for repealing so much of several Acts as imposed the Necessity of taking the Sacrament of the Lord's Supper as a Qualification to certain Offices and Employments,' it is enacted that every person who should thereafter be placed, elected, or chosen in or to the office of mayor, alderman, recorder, bailiff,

town clerk, or common councilman, or in or to any office of magistracy, or place, trust, or employment relating to the ment of any city, corporation, borough, or cinque port within England and Wales, or the town of Berwick-upon-should, within one calendar month next before or upon his admission into any of the aforesaid offices or trusts, make scribe the declaration therein mentioned; and it is thereby further enacted, that if any person placed, elected, or ch any of the aforesaid offices or places should omit or neglect to make and subscribe the said declaration in manner the tioned, such placing, election, or choice should be void, and that it should not be lawful for such person to do any a execution of the office or place into which he should be so chosen, elected, or placed: And that doubts have been whether the aforesaid provisions may be held to extend to persons elected or chosen to the office of sheriff of any cl being a county of itself; and it is expedient that such doubts should be removed;—

It is Enacted,

That no person who has already been or who shall hereafter be elected or chosen to the office of sheriff of any city being a county of itself shall by reason thereof be liable to make or subscribe the aforesaid declaration within one month next before or upon his admission to the said office: Provided always, that every person so elected or cho said office of sheriff shall take, make, and subscribe, within the time required by law, all oaths and declarations whic of counties are bound to take, make, and subscribe.

CAP. XXIX.

AN ACT for investing in Government Securities a Portion of the Cash lying unemployed in th of England belonging to Bankrupts Estates, and applying the Interest thereon in discharg Expenses of the Court of Bankruptcy, and for the Relief of the Suitors in the said Court; removing Doubts as to the Extent of the Powers of the Court of Review and of the Sub Courts.

(21st August

ABSTRACT OF THE ENACTMENTS.

1. Part of the money in the Bank belonging to bankrupts estates to be carried to an account to be called "The Bankrupt Account."
2. Sum advanced to credit of bankrupts compensation account to be repaid by order of Lord Chancellor.
3. Lord Chancellor to appoint Accountant in Bankruptcy.
4. Bankrupts estates to be transferred into the name of the Accountant in Bankruptcy.
5. So much of 6 Geo. 4. c. 16. as directs the filing of the certificate, and the investment, &c. of unclaimed dividends, repealed.
6. Unclaimed dividends to be paid into the Bank to the credit of Accountant General, or when appointed, to the Accountant in Bankruptcy.
7. How unclaimed dividends, &c. in the hands of assignees to be disposed of.
8. Certificates to be given to assignees, on production of which Bank of England shall receive the sums therein mentioned, and give receipts for the same.
9. Interest to be received by the Governor and Company of the Bank.
10. Salaries and other expenses to be paid out of the same by direction of the Lord Chancellor.
11. Lord Chancellor may appoint additional clerks, if necessary.
12. Accountant not to retain fees.
13. Retiring allowance to Charles Elley.
14. Lord Chancellor may direct interest from securities to be carried to the Secretary of Bankrupts Account.
15. Salaries to be paid on such days as the Chancellor shall direct.
16. If the fund is not sufficient at any time then the securities to be sold.
17. Securities purchased may be changed.
18. Cash in the Bank belonging to bankrupts estates to be one common and general cash.
19. Expenses of proceedings under this Act to be paid out of the fund.
20. If money not sufficient for the purposes of this Act, the same to be made good by Parliament.
21. Court in future to consist of one Chief Judge and two Judges.—In the event of death or removal of a Registrar, vac supplied by deputy Registrar acting under him.
22. Annual returns to Parliament.
23. Mode of forming Subdivision Courts in case of non-attendance of any Commissioners of the division to which annexed.
24. Power given to Courts to administer oaths on affidavits.—Fees.
25. Court of Review and Subdivision Courts declared to have been courts of record from the passing of 1 & 2 Will. 4. c. 38.
26. As to the exercise of the powers given by this Act.
27. Act may be altered in present session.
28. Public Act.

By this Act,

After reciting that by an Act, 1 & 2 Will. 4. c. 56, intituled, 'An Act to establish a Court in Bankruptcy,' it was enacted, that it should be lawful for His Majesty, his heirs and successors, to establish a court of judicature, which should be called "The Court of Bankruptcy," and to appoint Judges, Commissioners, and other officers of the said court; and that it should be lawful for the Lord Chancellor to choose official assignees to act in all bankruptcies prosecuted in the said court, and to collect the effects of bankrupts, and to pay the proceeds thereof into the Bank of England to the credit of the Accountant General of the High Court of Chancery, subject to the order of the Lord High Chancellor, or the said Court or any Judge thereof, as therein mentioned; and it was further enacted, that certain fees and sums of money specified in the said Act should be received by the Lord Chancellor's Secretary of Bankrupts, and paid by him into the Bank of England, to the credit of the said Accountant General, to an account to be intituled "The Secretary of Bankrupts Account," and that there should be paid out of the monies standing to that account certain yearly sums specified in the said Act as and for salaries to the Judges and other officers of the said court for the time being; and it was further enacted by the said Act, that certain annuities, the amount thereof to be ascertained and certified as in the said Act is mentioned, should be respectively paid to the patentees for the execution of the laws and statutes concerning bankrupts, to certain persons then acting as Commissioners of Bankrupt in London, and to certain officers of the Lord Chancellor and of the High Court of Chancery mentioned in the said Act, in lieu of and as compensation for certain fees and emoluments accustomed to be received by them, and which would by the provisions of the said Act be wholly discontinued and abolished, out of the monies and securities standing to an account to be opened by the said Accountant General, to be intituled "The Secretary of Bankrupts Compensation Account;" and that certain fees and sums of money specified by the said Act should be paid by the said official assignees into the Bank of England to the credit of the said Accountant General, to be carried to the said accounts respectively: And that His Majesty did, by virtue and in pursuance of the said Act, establish the said Court of Bankruptcy, and did appoint Judges and Commissioners and Registrars and Deputy Registrars of the said court: And that official assignees have been chosen by the Lord Chancellor to act in bankruptcies as aforesaid: And that the amount of certain annuities have been duly ascertained and certified, in pursuance of the said Act, to be due and payable to the persons therein mentioned, in lieu of the fees and emoluments aforesaid: And that an account has been opened in the Bank of England by the said Accountant General, intituled "The Secretary of Bankrupts Compensation Account;" and another account has been opened in the Bank of England by the said Accountant General, intituled "The Secretary of Bankrupts Compensation Account;" And that the said official assignees have paid into the Bank of England in the name of the said Accountant General divers large sums of money, which have been placed to the credit of the several bankrupts aforesaid: And that there now is and has been for a long time a very large sum of money belonging to bankrupts estates, or to suitors in matters of bankruptcy, standing in the name of the said Accountant General, which lies dead and unemployed in the said Bank of England: And that it was necessary for the said Accountant General to appoint certain persons to act as clerks in the performance and execution of the duties imposed upon him by the said Act; but no provision is made by the said Act for the salaries of the said clerks and the other expenses necessarily incident to the performance of the said duties, other than out of certain fees directed to be paid to the said Registrar of the said court: And that the business arising from the duties imposed upon the said Accountant General by the said Act is gradually increasing, and the present establishment of clerks is inadequate to transact the same with that accuracy and despatch which is necessary for the public service: And that the payment of the fees authorized by the said Act, or a part thereof, will become unnecessary, and the same may be discontinued if another fund is provided for the payments now made out of the said fees by the authority of the said Act:

It is Enacted,

That out of the cash belonging to the estates of bankrupts, or to suitors in matters of bankruptcy, that now lies or shall hereafter be paid and uninvested on securities in the Bank of England, in the name of the said Accountant General, or of the said Court of Bankruptcy hereafter mentioned, any sum or sums not exceeding in the whole the sum of 300,000*l.* shall and may, by virtue of any order or orders of the Lord High Chancellor to be made for that purpose, from time to time be placed in the said Bank of England in parcels, in the name of the said Accountant General or of the said Accountant in Bankruptcy, after the appointment of the said last-mentioned Accountant, on such government or parliamentary securities as in and by such order or orders shall be directed; and such securities shall be carried to an account to be intituled "The Bankruptcy Fund Account," subject to such rules and orders as the Lord High Chancellor shall think fit to prescribe for the purposes herein mentioned.

And after noticing that the monies and securities standing to the credit of the said account, intituled "The Secretary of Bankrupts Compensation Account," were in the month of August 1834 found inadequate to meet the several payments then due and payable thereout, and the sum of 2,400*l.* was, on application to the Lords Commissioners of His Majesty's Treasury, then advanced and paid by them, through the Lord Chancellor's Secretary of Bankrupts, into the Bank of England to the credit of the said account, for the purpose of enabling the several payments then due to be paid and discharged to the parties entitled thereto; but no power or authority exists under the provisions of the said first-recited Act, or otherwise, for the repayment of such sum out of the monies and securities standing to the credit of the said account;—

It is Enacted,

That it shall be lawful for the Lord High Chancellor to order that the said sum of 2,400*l.* so advanced and paid by the said Commissioners of His Majesty's Treasury to the credit of the said account, intituled, "The Secretary of Bankrupts Compensation Account," shall be repaid out of the monies and securities which now are or hereafter may be standing to the credit of the said account, and the same shall be repayable and repaid accordingly, and until so repaid be considered a charge on the said account; anything in the said first-recited or other Act or Acts contained to the contrary notwithstanding.

And after reciting that from the increased amount of the funds belonging to bankrupts estates, and the large number of accounts to which such funds belong, and which are daily augmenting, it appears that such funds and such accounts cannot be properly protected and managed by the said Accountant General of the High Court of Chancery, and it is expedient therefore that an officer experienced in and conversant with the mode of keeping accounts, to be called "The Accountant in Bankruptcy," shall be forthwith appointed to superintend and controul the care and management of the said funds;—

It is Enacted,

III. That it shall be lawful for the Lord High Chancellor for the time being to nominate from time to time as occasion may require some fit and proper person to be the Accountant in Bankruptcy; which officer so to be appointed shall hold his office during good behaviour, notwithstanding the demise of His Majesty, or any of his heirs or successors: Provided always, that it shall be lawful for the Lord High Chancellor by any order to remove any such officer for some sufficient reason to be in such order expressed.

IV. That at any time after the appointment of the said Accountant in Bankruptcy it shall and may be lawful for the Lord High Chancellor, by any general or other order or orders, to direct that the whole or any part of the cash, funds, or securities belonging to bankrupts estates or to suitors in matters of bankruptcy, and then standing in the name or to the credit of the said Accountant General of the High Court of Chancery at the Bank of England, to the credit of any bankrupt's estate, or of any assignee or assignees of such estate, or in the matter of any bankruptcy, be forthwith paid and transferred into the name and to the credit of the said Accountant in Bankruptcy; and all such payments or transfers as now are or heretofore have been made into the Bank in the name or to the credit of the Accountant General of the High Court of Chancery in matters of bankruptcy shall, from and after the appointment of the said Accountant in Bankruptcy, be made in the name or to the credit of the said Accountant in Bankruptcy; and all cash, funds, or securities to be so paid or transferred as aforesaid shall be subject to such and the like provisions, regulations, rules, and orders as the same are or would have been subject to if paid or transferred in the name or to the credit of the said Accountant General of the Court of Chancery, except as the same may be altered by this Act, or any rule or order to be made by the Lord High Chancellor in respect of the same.

And after reciting that by 6 Geo. 4. c. 16, it is amongst other things enacted, that the assignees shall file a certificate in the office of the Lord Chancellor's Secretary of Bankrupts, containing an account of the names of creditors to whom unclaimed dividends are due, and of the amount of such dividends; and power is thereby given for the investment of such dividends; and after the expiration of three years the Lord Chancellor is empowered to order the same to be divided amongst and paid to the other creditors in manner therein mentioned:—

It is Enacted,

V. That so much of the said Act as directs the filing of the said certificate, and the investment, division, and payment of such unclaimed dividends, be and the same is hereby repealed.

VI. That all dividends unclaimed as hereinafter mentioned, and also any undivided surplus of a bankrupt's estate, over and above the amount finally directed to be divided amongst the creditors of any bankrupt, shall be paid into the Bank of England to the credit of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned officer shall have been appointed, to be carried to an account to be intitled "The Unclaimed Dividend Account," subject to the order of the Lord High Chancellor, or of the Court of Review in Bankruptcy, or of any Commissioner of the said Court, for the payment thereof of any dividend or dividends due to any creditor or creditors, and subject also to the order of the Lord Chancellor for the laying out and investment thereof in the purchase of government or parliamentary securities; which securities shall be carried to the before-mentioned account to be intitled, "The Bankruptcy Fund Account," and shall be subject to such rules and regulations as the said Lord Chancellor shall direct: Provided always, that any order of any Commissioner for payment of any dividend, under the provisions aforesaid, shall be subject to appeal to the said Court of Review.

VII. That if any assignee under any commission of bankrupt or fiat in bankruptcy now issued or hereafter to be issued, shall have, either in his own hands, or at any bankers, or otherwise subject to his order or disposition, or shall know that there is or are in the hands or subject to the order and disposition of himself and any co-assignee or co-assignees, or of any or either of them, any unclaimed dividend or dividends amounting in the whole to the sum of 20*l.*, or any such undivided surplus as aforesaid, amounting to the sum of 20*l.*, such assignee shall, as to any such now existing unclaimed dividend or dividends, within one year after the passing of this Act, and as to any future dividend or dividends within three calendar months next after the expiration of one year from the time of the declaration and order of payment of such future dividend or dividends, either pay the same to the creditor or creditors or other the person or persons entitled to the same respectively, or cause a certificate thereof respectively to be filed in the office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true account of the name or names of the creditor or creditors to whom such unclaimed dividend or dividends is or are respectively due, and of the amount of such dividend or dividends respectively; and shall in like manner, as to any such now existing undivided surplus as aforesaid, within one year after the passing of this Act, and as to any such future undivided surplus as aforesaid within three calendar months next after the expiration of one year after the final declaration of dividends, cause a certificate stating the full and true amount of such surplus to be filed in the office of the said Secretary of Bankrupts, and every certificate to be filed as aforesaid shall be signed by the assignee or assignees filing the same; and every assignee who shall, according to the provisions of this Act, be bound to file such certificate as aforesaid, and who shall make default in filing the same, shall be charged, in account with the estate of the bankrupt, with interest upon the amount of such unclaimed dividend or dividends or undivided surplus as aforesaid, to be computed from the time at which such certificate is hereby required to be filed, at the rate of 5*l.* per centum per annum, for such time as he shall thenceforth, either solely or together with any co-assignee or co-assignees, or other person or persons, retain such dividend or dividends or undivided surplus, as the case may be, and also with such further sum as the Lord Chancellor or the Court of Review shall direct, not exceeding in the whole at the rate of 20*l.* per centum per annum, to be computed from the time aforesaid; and every assignee, shall, within one year next after the filing of any such certificate as aforesaid, pay or cause to be paid into the Bank of England to the name of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned officer shall have been appointed, to be carried to the said account to be intitled "The Unclaimed Dividend Account," the full amount of the unclaimed dividends mentioned in such certificate, or so much thereof as shall not have been then paid to the creditor or creditors or other person or persons entitled thereto, and also the full amount of such undivided surplus as aforesaid; and if any assignee shall make default in such payment it shall be lawful for the Lord Chancellor or the said Court

Review, on petition or otherwise, to order that such sum or sums be forthwith paid into the Bank of England in manner aforesaid, together with such further sum to be charged on such assignee or assignees, or other party or parties personally, as to the said Lord Chancellor or to the said Court may seem fit, not exceeding at and after the rate of 20L per centum per annum on the sum or sums so withheld, to be computed from the filing of such certificate up to the time of payment of such sum or sums, and also to make such further order as to costs as the justice of the case shall seem to require: Provided always, that no such certificate as aforesaid of any unclaimed dividend or dividends shall be filed until the expiration of one year after the declaration and order for payment of such dividend or dividends.

xviii. That the said Accountant General in Chancery or the said Accountant in Bankruptcy, as the case may be, shall, on the application of any assignee or assignees, give to him or them a certificate or certificates stating the amount of any sum or sums of money which he or they may be desirous of paying into the Bank of England under the provisions aforesaid; and on the production of such last-mentioned certificate or certificates the Governor and Company of the Bank of England shall receive the sum or sums therein mentioned, and give a receipt or receipts for the same, and shall forthwith carry the same to the credit of the said Accountant General or the Accountant in Bankruptcy, as the case may be, to the said account intitled "The Unclaimed Dividend Account;" and every such certificate and receipt shall be given without fee or reward.

xix. That the interest and dividends of all the securities to be purchased under the authority of this Act shall from time to time be received by the Governor and Company of the Bank of England, and be carried to an account to be intitled "Interest arising from the Bankruptcy Fund Account," to the credit of the Accountant General in Chancery or the Accountant in Bankruptcy, as the circumstances may require.

x. That out of the interest and dividends of the government or parliamentary securities to be purchased under the authority of this Act, and out of the interest and dividends of any government or parliamentary securities to be hereafter purchased and placed to the said account to be intitled "The Bankruptcy Fund Account," there shall be paid by the Governor and Company of the Bank of England, by virtue of any order or orders of the Lord Chancellor to be made for that purpose, to the said Accountant in Bankruptcy, such salary or yearly sum as the Lord High Chancellor may by any order or orders direct, not exceeding the yearly sum of 800L., and also to the clerks of the said Accountant in Bankruptcy such sums by way of salary as the Lord Chancellor shall by order direct, and also any further sum to the said Accountant in Bankruptcy which may be necessary or expedient to defray the expenses of stationery, and other necessary expenses of the said Accountant, if any, to be by him incurred in discharge of the duties imposed upon him by this Act; such several salaries or yearly sums before mentioned to be paid quarterly, free of charges; the first quarterly payment to the Accountant in Bankruptcy for the time being to commence from the day of his appointment, and as to the said clerks to commence from the 11th of January 1835, or from such other day as may in any such order be specified: Provided always, that nothing hereinbefore contained shall authorize the Lord Chancellor to order the payment in any one year of any sum exceeding the sum of 1,000L. for the payment of the salaries of the said clerks, and the discharge of such expenses of stationery and other incidental expenses as aforesaid.

xi. That it shall and may be lawful to and for the Lord High Chancellor, upon the requisition of the said Accountant in Bankruptcy for that purpose, to appoint one or more, not exceeding five, persons to be clerks to the said Accountant, and to bestow such yearly salaries as aforesaid to be paid to them.

xii. That the salaries hereinbefore provided shall be in lieu of all fees and emoluments whatsoever; and that all such fees and emoluments, whether for commission, brokerage, or otherwise, as are now receivable by the said Accountant General of the Court of Chancery in matters of bankruptcy, shall, from and after the appointment of the said Accountant in Bankruptcy, be received by him, and paid into the Bank in the name of the said last-mentioned Accountant, and be carried to the credit of the said account to be intitled "Interest arising from the Bankruptcy Fund Account," and be applicable to all the purposes of the said account.

And after noticing that Charles Elley, the chief clerk in the office of the Lord Chancellor's Secretary of Bankrupts, is now of the age of seventy years and upwards, and has been upwards of fifty years in the above office, and from rheumatism and other bodily infirmities is become incapable of giving full attendance so as effectually to discharge the duties of the said office, and the emoluments of his said office were very much reduced by the operation of the said first-recited Act, and the said Charles Elley is desirous to be allowed to retire from the said office by reason of such infirmities:—

It is Enacted,

xiii. That it shall and may be lawful for the Lord High Chancellor, upon the retirement or removal from his said office of the said Charles Elley, to order and direct that there shall be paid to him during his life such annual sum not exceeding 400L. per annum as to the said Lord Chancellor shall seem fit, such annual sum to commence on the retirement or removal of the said Charles Elley as aforesaid, and be payable at such time or times as the said Lord Chancellor shall direct; which said annual sum shall be chargeable upon, and payable out of, the said account intitled, "The Secretary of Bankrupts Compensation Account."

xiv. That it shall be lawful for the said Lord High Chancellor, by any order or orders to be by him from time to time made for that purpose, to order and direct that all or any part of the interest and dividends to be carried to the said account to be intitled "Interest arising from the Bankruptcy Fund Account" may be carried over to the said accounts respectively, intitled "The Secretary of Bankrupts Account" and "The Secretary of Bankrupts Compensation Account," or either of them, and that the same may be applied in payment or in part satisfaction of the annual and other sums now or hereafter to be chargeable upon and made payable out of the sums directed to be carried to the said last-mentioned accounts or either of them, and also to direct that the salaries and other sums by the said first-recited Act directed to be chargeable upon or payable out of the said account to be paid to the chief registrar of the Court of Bankruptcy may be paid out of the said interest and dividends, as the said Lord High Chancellor shall in his discretion see fit, so that the salaries and other expenses of the said Court being provided for out of the interest and dividends to be raised as aforesaid, the fees and other sums by the said

And directed to be paid may be abolished or reduced as the said Lord High Chancellor may find himself from time to time enabled to abolish or reduce the same.

XV. That it shall and may be lawful to and for the said Lord High Chancellor, by any order or orders, to direct that every or any of the said salaries by this Act, or the annuities by way of compensation by the said first-recited Act, payable, or any part of any such salary or annuity, shall and may be paid respectively on such days and by such yearly or payments as in the said order or orders shall be specified; and in case of the death, resignation, or removal of any of the persons entitled to salaries or annuities as aforesaid, by the same or other order or orders to direct that the proportion salary or annuity payable as aforesaid which may become due to any officer or person as aforesaid between the time to any such salary or annuity may have been then last paid or payable and the time of any such death, resignation, or removal shall be paid to the said officer or other person so resigning or being removed, his executors, administrators, or assigns the executors or administrators of any officer or other such person so dying.

XVI. That if at any time hereafter the whole or any part of the money placed out in pursuance of this Act shall be wanted to answer any of the demands due in respect of the said bankrupt estates, then and in such case the said Lord High Chancellor may and shall direct the whole or any part of the securities in which the same may be placed to be sold and disposed of the money arising from such sale to be paid into the Bank of England in the name of the said Accountant General in Chancery or the Accountant in Bankruptcy, in such manner as the said Lord Chancellor shall direct, in order that the due in respect of the said bankrupt estates may at all times be fully paid out of the common and general cash balances of such estates.

XVII. That it shall be lawful for the Lord High Chancellor, by any order or orders, to authorize the change of the money to be purchased pursuant to this Act, or any part of the same.

To the end that no suitor or suitors of the said Court of Bankruptcy may be delayed in payment of any money due to her, or them, but that every one may receive his or her full demand whensoever he or she shall apply for the same, in the best and expeditious way:—

It is Enacted,

XVIII. That all the money and cash now deposited in the Bank, or that shall at any time hereafter be paid into or deposited in the Bank, on the account of bankrupt estates or in any matter of bankruptcy, shall be and be accounted and taken as common and general cash, and shall be promiscuously issued and issuable for the answering, paying, and clearing the demands thereon.

XIX. That out of the interest and dividends of the said government or parliamentary securities to be purchased as aforesaid the costs, charges, and expenses of all proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of England by virtue of any order of the said Lord High Chancellor.

XX. Provided, That if at any time hereafter the whole or any part of the money to be laid out in pursuance of this Act shall be wanted to answer the demand of any bankrupts or their creditors or other persons interested therein, and the stock and cash then standing in the name of the said Accountant General in Chancery or the Accountant in Bankruptcy to the accounts before mentioned and created by this Act, or either of them, shall not be sufficient to answer and satisfy the demands, then the same money taken for the purposes and by virtue of this Act shall be and shall be considered as taken from the public, and to such extent as may be necessary shall be answered and made good by Parliament accordingly.

And after reciting that by the firstly hereinbefore recited Act it is enacted that there shall be a Chief Judge and that the Judges of the said Court of Bankruptcy, and that there shall be two registrars and eight deputy registrars of the said Court; And that a vacancy having occurred by the death of one of such Judges, such vacancy has not been supplied, and it is enacted that the duties of the said Court may be effectually performed by the Chief Judge and two other Judges:—

It is Enacted,

XXI. That hereafter there shall be only two Judges of the said court other than the Chief Judge: and it also appears upon the appointment hereby authorized being made of an Accountant in Bankruptcy, part of the duties now performed by the chief registrar of the said Court may be discharged by such Accountant, so that the duties now performed by the two registrars and the two deputy registrars not attached to the Commissioners of the said Court may be discharged by two registrars and one deputy registrar; it is enacted, That as and when any vacancy may occur by the death, removal or retirement of one of the said registrars, such vacancy shall be supplied by the deputy registrar acting under the registrar by whose removal, or retirement such vacancy shall occur; and that when any vacancy shall occur by the death, removal, or retirement of either of the said two last-mentioned deputy registrars, such vacancy shall not be supplied so as to provide altogether more than two such registrars and one such deputy registrar, other than the six deputy registrars attached to the Commissioners aforesaid; and it shall be lawful for the Court of Review, when and as any such vacancy shall occur, to make such orders as to the duties to be performed by such registrars and deputy registrar as they shall think fit.

XXII. That within two months from the 1st of January in every year returns shall be presented to Parliament if the said Court be not then within one month after Parliament shall have assembled, by the said Accountant General of the Court of Bankruptcy or the Accountant in Bankruptcy (as the case may be), of the net amounts at the credit of the said Accountant General of January on each of the following distinct accounts, which returns shall respectively specify the amount transferred out of dividends, and the amount paid by orders of Court or of the Judges, and shall also shew the unappropriated amounts then existing on each account; *videlicet*, first, The Bankruptcy Fund Account; second, The Interest arising from the Bankruptcy Fund Account; third, The Unclaimed Dividend Account; fourth, The Secretary of Bankrupts Account; fifth, The Secretary of Bankrupts Compensation Account; the fourth and fifth of such accounts to have appendices attached thereto setting all payments made from such accounts, and to whom made, and whether as salaries, compensations, or otherwise.

And after reciting that by the said first-recited Act it is enacted, that the six Commissioners therein mentioned may be formed into two Subdivision Courts, consisting of three Commissioners for each Court, for the purposes therein mentioned; and that all references and adjournments by a single Commissioner to a Subdivision Court by virtue of the said Act shall be to the Subdivision Court to which he belongs, unless the said Commissioner, in case of the sickness of some one or more of the Commissioners of such Subdivision Court, or for other sufficient cause, shall think fit otherwise to direct:—

It is Enacted,

XXII. That in case of the non-attendance of any one or more of the Commissioners of either of the said Subdivision Courts, if he is duly summoned for that purpose, the reference shall not be of necessity to the other Subdivision Court, but it shall and may be lawful for the remaining Commissioner or Commissioners of such Subdivision Court to call in and require the attendance of either or any of the Commissioners of the other of the said Subdivision Courts, and that such Commissioners may form a Subdivision Court for the purposes of the said recited Act as fully and effectually as either of the two Subdivision Courts so now authorized to be formed as aforesaid.

XXIII. That the said Court of Review and either of the said Subdivision Courts, and also any Judge or Commissioner of the Court of Bankruptcy, shall have power to administer oaths on affidavits to be sworn before them respectively in matters of bankruptcy in all cases where the same may be administered by a Master in ordinary or extraordinary of the High Court of Chancery, and to take for every such oath, except where such oath shall be administered to an affidavit entitled in the Court of Bankruptcy or in the Court of Review, the fee of 1s. 6d., which said fee shall be payable and paid accordingly; and that all such fees shall be accounted for and paid over to the chief registrar of the said Court of Bankruptcy, and be carried to the account of the second Schedule of fees annexed to the said first-recited Act, and be applied to the purposes of the said Schedule.

And after noticing that doubts have been entertained whether, by the terms of the said first-recited Act, the said Court of Review and Subdivision Courts have been effectually made courts of record; and whether the said Courts have upon an examination before them the same powers of commitment for the purpose of enforcing discovery as were vested in Commissioners of Bankrupt under the Acts of Parliament relating to bankrupts in force at the time of the passing of the said first-recited Act, 1 & 2 Will. 4. c. 56; and that it is expedient that such doubts be removed, and that such powers as hereinafter mentioned should be given to the several Judges and Commissioners acting under the authority of the said first-recited Act:—

It is Enacted and Declared,

XXIV. That the said Court of Review and the said several Subdivision Courts respectively shall henceforth be, and shall be deemed and taken from and after the passing of the said first-recited Act to have been, courts of record, and shall and may have and exercise all such powers of commitment as were vested in Commissioners of Bankrupt acting as such at the time of the passing of the said first-recited Act, and shall and may have, use, and exercise all the powers, rights, privileges, and incidents of a court of record, as fully to all intents and purposes as the same are used, exercised, and enjoyed by any of His Majesty's courts of law at Westminster; and all orders heretofore pronounced and all acts done by the said Court of Review and Subdivision Courts respectively shall be deemed and taken to have been pronounced and done by the said Courts respectively as courts of record; and every Judge or Commissioner appointed or to be appointed by virtue of the said first-recited Act sitting alone and acting in execution of the duties imposed upon him as such Judge or Commissioner shall have, use, exercise, and enjoy all the powers, rights, privileges, and exemptions of a court of record: Provided always, that nothing herein contained shall be deemed or taken to authorize or empower any such Judge or Commissioner sitting alone to impose any fine or commit for a contempt of Court, but every contempt of any such Judge or Commissioner sitting alone and acting as aforesaid shall be cognizable by the said Court of Review, to which the same may be referred by any such Judge or Commissioner as aforesaid; and the said Court of Review shall have full power to deal with the same as a contempt of the said Court of Review: Provided also, that nothing herein contained shall be deemed or taken to diminish or affect the power by the said first-recited Act given to any such Judge or Commissioner of committing any person examined before him to any messenger or other officer of the Court of Bankruptcy.

XXV. That the powers and authorities given by this Act to the Lord High Chancellor shall and may be exercised in like manner and are hereby given to the Lord Keeper or Lords Commissioners for the custody of the Great Seal respectively for the time being.

XXVI. That this Act may be altered, varied, or repealed by any Act to be passed in this session.

XXVII. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

CAP. XXX.

AN ACT for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales.

(21st August 1835.)

By this Act,

After reciting that His Majesty was pleased, on the 4th of February last, to issue a commission to certain persons therein named for considering the state of the Established Church in England and Wales with reference to ecclesiastical duties

and revenues, which commission has since been renewed, and such renewed commission is now in force, and the same thereby directed are now in progress, and some time must elapse before the same can be brought to a termination: And His Majesty has been graciously pleased to signify, that, in order to promote the important objects of the said commission, it is His Majesty's intention to defer any nomination to any vacant dignity, prebend, canonry, or benefice without cure of souls which may be in the patronage of the Crown until the circumstances connected therewith shall have undergone the consideration of the said Commissioners; and the two archbishops, and divers of the bishops of England and Wales, have declared their intention of pursuing the same course with regard to similar preferments in their respective patronage (excepting the dignity of Archdeacon), and a similar declaration has been made by certain other patrons: And that several dignities, prebends, canonries, and benefices without cure of souls have become vacant since the said 4th of February last, and may become vacant pending the said inquiries now in progress; and it is expedient that the same should remain vacant until it shall be decided in what mode they can be disposed of so as to be made most conducive to the efficiency of the establishment; and with that view it is necessary to provide that due care be taken of the revenues of such dignities, prebends, canonries, and benefices, and that the right of presentation or collation thereto shall not lapse by reason of delay in presentation or collation:—

It is Enacted,

I. That where any dignity, prebend, canonry, or benefice without cure of souls, being in the patronage of His Majesty, any archbishop, bishop, or other patron in England or Wales, has become vacant since the said 4th of February last, and become vacant during the existence of the said commission now in force, or of any renewal thereof, all profits and emoluments which have arisen or accrued, and which shall arise and accrue, from every such vacant dignity, prebend, canonry, or benefice until a successor shall have been appointed thereto, whether from houses, lands, tithes, or hereditaments to the same belonging or from rents, fines, compositions, dividends, or other emoluments belonging to any chapter or other aggregate body of the dignitary, prebendary, canon, or incumbent last in possession was a member, shall be paid to the treasurer for the time of the governors of the bounty of Queen Anne, in as full and ample manner as such dignitary, prebendary, canon, or benefice, if he had remained in possession, or his successor, if duly appointed, inducted, or installed, would be entitled to the same; and such treasurer shall, for the purpose of enforcing payment of all such profits and emoluments, have all legal rights, powers, and remedies, whether by action, suit, or distress, as the case may be, which would belong to the said incumbent or his successor: Provided always, that such treasurer shall not have the power of granting any lease, or of presenting to any benefice with cure of souls: Provided also, that such treasurer shall not be answerable or accountable for any monies payable by or on behalf of the said incumbent or his successor under this Act which shall not have been actually received by him.

II. That such treasurer shall keep an account of all sums received by him under this Act separate from all other funds, and distinguishing each dignity or benefice in respect whereof the same shall be received, and shall allow all expenses, and outgoings which would have fallen on the deceased incumbent, or may be reasonably incurred in the recovery or enforcing the payment of the sums received, the amount thereof being allowed by the governors of the said bounty for the time being, and shall retain the balance in his hands until he shall be otherwise ordered by competent authority.

III. That nothing in this Act contained shall apply to or affect any profits or emoluments of any dignity, prebend, or benefice now vacant, which shall have been already divided or carried to any particular account, according to the customs, or usages of the cathedral or collegiate church in which such dignity may be founded.

IV. That nothing in this Act contained shall prevent His Majesty, or any archbishop, bishop, or other patron of any prebend, canonry, or benefice without cure of souls, which may have or hereafter shall become vacant, from appointing a successor thereto in case he shall think proper to do so.

V. That where any benefice with cure of souls, being in the patronage of the holder or incumbent of any such dignity, prebend, canonry, or benefice as aforesaid, without cure of souls, shall have become or shall become vacant during the existence of such last-mentioned dignity, prebend, canonry, or benefice, the patron of such last-mentioned dignity, prebend, canonry, or benefice shall be entitled to present to such benefice with cure of souls.

VI. That the right of presentation or collation to any dignity, prebend, canonry, or benefice without cure of souls becoming vacant as aforesaid shall not, by reason of any delay in presenting or collating thereto, lapse to any bishop, archbishop, or to the King's Majesty; any law or custom to the contrary notwithstanding: Provided always, that the person to whom such vacant dignity, prebend, canonry, or benefice shall within six months after the vacancy give notice thereof in writing to the Commissioners hereinbefore mentioned, who shall transmit a copy of such notice to the said treasurer; and the said treasurer shall, upon receipt thereof, forthwith proceed to demand, collect, and receive, and shall, during the time that such vacant dignity, prebend, canonry, or benefice shall remain liable to the provisions of this Act, continue from time to time to demand, collect, and receive the profits and emoluments as they shall respectively become due and payable, and shall diligently use and exercise the powers and authorities hereby to him given for duly and regularly enforcing the payment thereof.

CAP. XXXI.—IRELAND.

AN ACT to give Effect and Validity to certain Contracts and Presentments for repairing and in repair certain Public Roads in *Ireland* and the Sureties entered into for the Execution thereof.

(21st August 1834)

CAP. XXXII.

AN ACT to impose certain Duties on Tea.

(21st August 1835.)

By this Act,

After reciting an Act, 3 & 4 Will. 4. c. 101, intituled, 'An Act to provide for the Collection and Management of the Duties on Tea:' and that it is found expedient to alter the rates of duty thereby imposed:—

It is Enacted,

That from and after the 1st of July 1836 the several duties on tea imposed by the said recited Act shall cease and determine, save and except as to any arrears of such duties which may then be due and payable and unpaid; and in lieu and instead thereof there shall be charged a duty of 2s. 1d. on every pound weight of tea which after the said day shall be imported, or which, having been previously imported, shall after that day be entered for home consumption in the United Kingdom; which said duty shall be raised, levied, collected, and paid under the like rules and regulations, so far as the same may be applicable, and shall be appropriated and applied in such and the like manner, as the duties on tea imposed by the said recited Act.

CAP. XXXIII.

AN ACT for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King William and Queen Mary, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King George the Fourth, as to taking Bail in Cases of Felony.

(21st August 1835.)

ABSTRACT OF THE ENACTMENTS.

1. No certiorari shall issue to remove indictments, &c. from inferior courts to the Court of King's Bench, at the instance of a prosecutor, without leave from that Court.
2. Defendants to enter into certain recognizances before obtaining writ of certiorari to remove indictment, &c.
3. Extending provisions of Act, 7 Geo. 4. c. 64, as to taking of bail in cases of felony.

By this Act,

After reciting that it is expedient to prevent prosecutors of indictments and presentments from vexatiously removing the same out of inferior Courts into His Majesty's Court of King's Bench:—

It is Enacted,

1. That from and after the passing of this Act no writ of certiorari shall issue from the Court of King's Bench at Westminister for removing into that Court any indictment or presentment from any court of session, assize, oyer and terminer, or gaol delivery, or any other court, at the instance of the prosecutor or any other person (except His Majesty's Attorney General), without motion first made in the Court of King's Bench, or before some Judge of that Court, and leave obtained to remove such indictment or presentment, in the same manner as similar motions may now be made and leave given where such application is made on the part of defendants; any law, practice, or usage to the contrary in anywise notwithstanding.

And after noticing that it is expedient to extend the powers of an Act, 5 & 6 W. & M. c. 11, intituled, 'An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace:—

It is Enacted,

11. That instead of the recognizance now by law required to be entered into before the allowance of a writ of certiorari, every person indicted or presented in any court of session, assize, oyer and terminer, gaol delivery, or any other court, who shall obtain a writ of certiorari for removing any indictment or presentment whatever into the Court of King's Bench, not being in custody for want of bail to answer such indictment or presentment, shall, before the allowance of such writ, enter into a recognizance before one of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the county or place in which the offence is charged to have been committed, or in which such person shall reside, in such sum and with such sureties as the said Court of King's Bench, or one of His Majesty's Justices of the said Court, shall by indorsement on the said writ order and direct; which recognizance shall contain the same conditions as are now by the said Act, and another Act, 3 & 4 Will. 3. c. 33, intituled, 'An Act to prevent Delays at the Quarter Sessions of the Peace,' required in cases of indictments removed from the General or Quarter Sessions of the Peace; and thereupon all the clauses and provisions contained in the said several Acts with respect to costs or otherwise shall extend to such last-mentioned recognizances; and every person being in custody for want of bail to answer

the charge contained in such indictment or presentment shall be detained in custody until the like recognisances were before directed to be entered into (previous to the allowance of such writ of certiorari) shall have been entered into, such person be discharged by due course of law.

And after reciting that in many cases the taking bail for the appearance of persons charged with felony may be admitted without endangering the appearance of such persons to take their trial in due course of law, and it is expedient in such cases to amend and extend the provisions in that respect of an Act, 7 Geo. 4. c. 64, intituled, 'An Act improving the Administration of Criminal Justice in England:—

It is Enacted,

III. That it shall be lawful for any two Justices of the Peace, if they shall think fit, of whom one or other shall have the warrant of commitment, to admit any person or persons charged with felony, or against whom any warrant of commitment for felony is signed, to bail, in the manner and according to the provisions directed by the said recited Act, in such sums of money and with such surety or sureties as they shall think fit, and notwithstanding such person or persons shall confess the matter laid to his or their charge, or notwithstanding such Justices shall not think that such charge is ground or shall think that the circumstances are such as to raise a presumption of guilt.

CAP. XXXIV.—IRELAND.

AN ACT to amend Two clerical Errors contained in an Act passed in the Ninth Year of the late His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Law in Ireland relative to Larceny and other Offences connected therewith.*

(25th August 1824.)

By this Act,

I. Provision in 9 Geo. 4. c. 55. s. 46. to have the intended effect notwithstanding the omission of the word "not" between the words "shall" and "by."

II. Clause 50 of 9 Geo. 4. c. 55. to have the intended effect notwithstanding the omission therein of the word "between" between the words "any" and "offence."

CAP. XXXV.

AN ACT for consolidating the Offices of Paymaster General, Paymaster and Treasurer of Chelmsford Hospital, Treasurer of the Navy, and Treasurer of the Ordnance.

(25th August 1824.)

ABSTRACT OF THE ENACTMENTS.

1. Certain offices abolished, and one office constituted in place therein.
2. Patents, &c. to cease.
3. Establishment of the office of Paymaster General.
4. Appointment to office.
5. Office not to be deemed a new office.
6. Paymaster General, if holding an abolished office, not to vacate his seat.
7. Duties transferred to new office.
8. Actions to continue.
9. Bonds to remain in force.
10. Treasury may make regulations for new office.
11. Regulations to be laid before Parliament.
12. Act may be altered.

By this Act,

After reciting that various Acts have been passed from time to time for the better regulation of the offices of Paymaster General of His Majesty's guards, garrisons, and land forces, of Paymaster and Treasurer of all monies for the maintenance or relief of the disabled and superannuated non-commissioned officers and soldiers entertained in His Majesty's Royal Hospital near Chelsea, of the office of Treasurer of His Majesty's Royal Navy, and of the office of Treasurer of His Majesty's Ordnance: And that it is expedient to consolidate into one establishment those four several offices, and to provide for the proper dispatch of the public business when such consolidation shall have taken place:—

Enacted by His Majesty's most Excellent Majesty in Council

That from and after the passing of this Act it shall be lawful for His Majesty, his heirs and successors, by warrant under the Great Seal, countersigned by the Lord High Treasurer, or the Commissioners of the Treasury of His Majesty's United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, to abolish the said offices of Receiver and Comptroller General of His Majesty's guards, garrisons, and land forces, of Paymaster and Treasurer of all monies for the relief of the disabled and superannuated non-commissioned officers and soldiers entertained in His Majesty's service near Chelsea, of Treasurer of His Majesty's Royal Navy, and of Treasurer of His Majesty's Ordnance; and to constitute and appoint one office for the discharge of the duties now executed in the several offices authorized to be abolished.

That from and after the date of such warrant directing the abolition of the said offices the several patents, warrants, and orders under which the same have been and are or shall be held shall cease and determine and become absolutely null and void.

That the office to be created to execute the several duties now discharged in the said offices so to be abolished shall be "The Office of His Majesty's Paymaster General"; and that the establishment thereof shall consist of a Paymaster General, with such number of officers, clerks, and assistants, and with such salaries, as shall be fixed and regulated from time to time by the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being, or any three or more of them.

That the said office of Paymaster General shall be granted by warrant under the royal sign manual, countersigned by the Lord High Treasurer, or the Commissioners of the Treasury for the time being, or any three or more of them, and that warrant when so made shall be and continue in force during His Majesty's pleasure, in the same manner as the offices by which the duties now discharged in the said offices are authorized to be abolished are granted and held.

That the said office of Paymaster General shall not be deemed or taken to be a new office within the meaning of an Act, passed in the seventh year of His Majesty's said Majesty, intituled, "An Act for the Security of Her Majesty's Person and Government, and of the Succession of the Crown in Great Britain in the Protestant Line."

That the person who may be appointed to the said office of Paymaster General, if he shall at the time of the abolition of the said offices be in possession of any of the said offices, shall not by reason of such appointment thereby vacate the seat in Parliament which any such person may then hold; anything in the said Act of Queen Anne, or of any other Act or Acts to the contrary notwithstanding.

That from and after the abolition of the said offices, and so soon as the appointment of a Paymaster General shall have taken place under the authority of this Act by His Majesty, his heirs or successors, all the interest, titles, powers, authorities, and duties now exercised by or vested, either by law or usage, in any of the said offices so abolished, shall be and are hereby declared to be transferred to, exercised by, and vested in the said Paymaster General, in as full and complete a manner as all interests and purposes as they were exercised by or vested in the persons holding the said offices so abolished, except only so far as any of such interests, titles, powers, authorities, privileges, and duties are or shall be by this Act diminished, diminished, or varied.

That nothing herein contained shall extend or be construed to extend to abate any suits or other proceedings either at law or equity which are now or shall at the period of the abolition of the said offices be depending in the name or on behalf of the said offices whose offices shall be so abolished, but all such suits and proceedings shall and may continue to be prosecuted in their respective names in the same manner as if this Act had not been passed, for and on behalf of the Paymaster General to be appointed under the authority of this Act.

That all bonds which shall have been entered into and given to the Crown, or otherwise, by any deputies or other persons, or by any other person or persons whatsoever, and their respective surties, for the faithful discharge of the duties in any of the said offices intended to be hereby abolished, shall notwithstanding such abolition be and continue in full force and effect in relation to the parties to such bonds, as well in respect of the duties, matters, and things therein mentioned or referred unto, as in respect of the duties, matters, and things thereafter to be done and performed, which the said deputies or other officers or clerks or persons shall be liable to do and perform, before the abolition of the offices intended to be abolished under the authority of this Act.

That by reason of the abolition of the said offices it will be necessary that new regulations should be prescribed for the government of the office to be created under the authority of this Act:—

It is Enacted,

That it shall be lawful for the Lord High Treasurer or for the Commissioners of the Treasury for the time being, or any three or more of them, and he and they are hereby empowered to prescribe such rules and regulations, and to issue such orders, from time to time, in all matters and things relating to the said office, for the safety, economy, and advantage of the public, as he or they shall see fit; which rules, regulations, and orders shall be of full force and authority, and shall be binding on the Comptroller General of His Majesty's Exchequer, and by the Governor and Company of the Bank of England, and on all bodies and persons whatsoever, in relation to all matters and things therein contained, anything in any Act to the contrary notwithstanding.

That a return, setting forth all rules, orders, and regulations which shall have been issued and prescribed by the Commissioners of the Treasury, shall be laid before Parliament within six weeks from the date of their being promulgated, if Parliament be then sitting, and if not then sitting within six weeks from the day of the next ensuing meeting of Parliament.

That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XXXVI.

AN ACT to limit the Time of taking the Poll in Boroughs at contested Elections of Members to in Parliament to One Day.

(25th August 18

ABSTRACT OF THE ENACTMENTS.

1. *So much of recited Act as allows the poll to be kept open two days repealed.*
2. *Period of polling.*
3. *Not more than 300 voters to poll in one booth.*
4. *Not more than 100 voters to poll in one booth, if so required.*
5. *In case of such requisition, notice to be given of the situation of booths.*
6. *Oaths of allegiance, supremacy, and abjuration not to be taken.*
7. *Liverymen of London, entitled to vote in respect of premises, may vote at the booth for the district where such premises are.*
8. *Adjournment of nomination or of poll in case of riot.*
9. *Not to extend to Scotland or Ireland.*
10. *Act may be repealed this session.*

By this ACT,

After reciting that it would tend to promote the purity of elections and the diminution of expense if the poll at all elections of members to serve in Parliament for cities, boroughs, and towns, or for counties of cities or counties of towns taken in one day: and that by an Act, 2 & 3 Will. 4. c. 45, intituled, 'An Act to amend the Representation of the People in England and Wales,' it is among other things enacted, that such poll may remain open during the space of two days; and it is expedient to repeal that part of the said recited Act which allows the poll so to continue open during the space of two days:

It is Enacted,

I. That from and after the passing of this Act such part of the said recited Act as allows the poll to continue open more than two days in cities, boroughs, and towns, or in counties of cities or counties of towns, be repealed, and the same is hereby repealed.

II. That at every contested election of a member or members to serve in Parliament for any city, borough, or town, or county of a city or county of a town, the polling shall commence at eight of the clock in the forenoon of the day next following the day fixed for the election; and the polling shall continue during such one day only; and no poll shall be kept open more than four of the clock in the afternoon: Provided always, that when such day next following the day fixed for the election shall be Sunday, Good Friday, or Christmas-day, then in the case it be Sunday the poll shall be on the Monday next following; and in the case it be Good Friday, then on the Saturday next following; and in the case it be Christmas-day, then on the Monday next following day, if the same shall not be Sunday, and if it be Sunday, on the next following Monday.

III. That the polling booths or compartments at each polling place shall be so divided and arranged by the sheriff or other returning officer that not more than 300 electors shall be allotted to poll in each such booth or compartment.

IV. That on the requisition of any candidate, or of any elector being the proposer or seconder of any candidate, for the division of the booths or compartments of each polling place shall be so divided and arranged by the sheriff or other returning officer that not more than 100 electors shall be allotted to poll in each such booth or compartment: Provided always, that such candidate or elector making such requisition shall pay all expenses incident upon such division or arrangement.

V. That in case any requisition as aforesaid shall be made on or before the day fixed for the election, the sheriff or other returning officer shall forthwith give public notice of the situation of such booths, which shall be deemed to be sufficient notice by law or statute to the contrary notwithstanding.

VI. That no elector at any election shall be required to take the oaths commonly called the oaths of allegiance, abjuration, and supremacy, nor any oath or oaths required to be taken by any Act of Parliament in lieu thereof; any law or statute to the contrary notwithstanding.

VII. That such of the freemen of the city of London, being liverymen, as are or shall be entitled to vote in the elections of members to serve in any future Parliament for the city of London in the Guildhall, and who are or shall be also entitled to vote in such election as owner or tenant of premises in such city, shall be entitled to vote at any such election at the polling place appointed for the parish, district, or part wherein the property may be situate in respect of which he is so entitled to vote as aforesaid; and that such vote shall be entered in the poll books either as the vote of a liveryman, or as owner or tenant of premises, or as the person so voting shall direct.

VIII. That where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, or by such proceedings shall consist of the nomination of candidates or of the taking the poll, the sheriff or other returning officer, or the lawful deputy of any returning officer, shall not for such cause terminate the business of such nomination, or close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places, at which the interruption or obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the election shall be resumed shall be deemed to be the day of the election.

shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the poll be regulated accordingly; and any day whereon the poll shall have been so adjourned shall not as to such place or places be reckoned the day of polling at such election, within the meaning of this Act; and whenever the poll shall have been so adjourned by any deputy of any sheriff or other returning officer, such deputy shall forthwith give notice of such adjournment to the sheriff or returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and the poll delivered or transmitted to such sheriff or other returning officer, any thing hereinbefore or in any other statute notwithstanding: Provided always, that this Act shall not be taken to authorize an adjournment to a Sunday; but that every case in which the day to which the adjournment would otherwise be made shall happen to be a Sunday, Good Friday, Christmas-day, that day or days shall be passed over, and the following shall be the day to which the adjournment shall be made.

That nothing in this Act shall be construed to apply to Ireland or to Scotland.

That this Act may be altered, varied, or repealed by any Act to be passed in this present session of Parliament.

CAP. XXXVII.

AN ACT for the further Reduction of the Militia Staff, and to suspend the Ballot for the Militia.

(25th August 1835.)

ABSTRACT OF THE ENACTMENTS.

Reduction of the disembodied staff of the militia.

Drum-majors and drummers to be reduced.

Personal of the arms and stores.

General and subdivision meetings relating to the militia suspended.

Meetings may be had during such suspension by order in council.

Majesty may direct that vacancies among adjutants shall not be filled up.

To extend to wardens of stannaries and to corps of miners.

By this Act,

reciting that it is expedient to reduce the present staff of the militia in Great Britain and Ireland:—

It is Enacted,

That a reduction shall take place in the disembodied staff of the said militia at the time and in the manner hereinafter directed: namely, it shall be lawful for His Majesty, by an order in council, at any time before the 10th of September next, to direct that a proportion of the sergeants of each regiment, battalion, or corps of militia, such proportion not to be less than one third of the number of sergeants (not including the serjeant-major) borne on the existing establishment of the disembodied staff, shall be reduced on the 10th of October 1835: Provided always, that the whole number of sergeants so to be reduced shall not exceed one half of the whole number serving on the 1st of August in the present year.

That all the drum-majors and drummers of the militia of Great Britain and Ireland shall be reduced on the said 10th of October in the present year.

That it shall be lawful for His Majesty, by an order signed by one of His Majesty's principal Secretaries of State in Great Britain, and in Ireland by the Lord Lieutenant or other Chief Governor or Governors of Ireland, for the time being, to direct the Lord Lieutenant of any county in Great Britain, and the Lieutenant of any county in Ireland, to deliver the arms and other stores belonging to any regiment, battalion, or corps of militia of such county in Great Britain and Ireland respectively to be delivered over to His Majesty's Ordnance department.

After reciting that it is expedient to suspend for a further period the making of lists and the ballots and enrolments for the Militia of the United Kingdom:—

It is Enacted,

That all general and subdivision meetings relating to the militia of the United Kingdom, and all proceedings relating to the making of returns, or preparing or making out list for such militia, or any parts thereof, or relating to the balloting for or enrolling any militiamen or substitutes, or supplying any vacancies in such militia, except as hereinafter excepted, shall be suspended until the end of the next session of Parliament, anything in any Act or Acts to the contrary notwithstanding.

That it shall be lawful for His Majesty by any order in council to direct that any proceedings shall be had, at any time before the expiration of such period as aforesaid, either for the giving of notices and making returns and preparing lists, and for the proceeding to ballot and enrol men for the filling up vacancies in the militia of the United Kingdom or any part thereof; and His Majesty shall deem expedient; and upon the issuing of any such order all such proceedings shall be had for the carrying into execution all the provisions of the Acts in force in England, Scotland, and Ireland respectively relating to the making of notices for and returns of lists, and for the balloting and enrolling of men to supply any vacancies in the militia, and for the general and subdivision meetings for such purpose, at such time respectively as shall be expressed in any such order, or by any directions given in pursuance thereof to the Lord Lieutenants or Deputy Lieutenants acting for Lord Lieu-

tenants of the several counties, shires, ridings, cities, and places in Great Britain, or to the Lieutenants and Deputy Lieutenants of counties and places in Ireland, or to the warden and special deputy wardens of the stannaries; and all the provisions of the several Acts in force in England, Scotland, and Ireland respectively relating to the militia and corps of miners of Cornwall and Devon shall upon any such order, and direction given in pursuance thereof, become and be in full force and be carried into execution at the period specified in such order or direction as aforesaid, with all such penalties and forfeitures for any neglect, thereof, as fully as if such periods had been fixed in the Acts relating to such militia and miners.

VI. That it shall and may be lawful for His Majesty, by order signified by one of His Majesty's principal Secretaries of State, to direct that in case of any vacancy occurring among the adjutants of the disembodied militia, such vacancy, if it be thought proper, shall not be filled up.

VII. That this Act, and all the clauses, provisions, and authorities therein contained, shall be construed to extend to the warden and special deputy wardens of the stannaries, and corps of miners of Cornwall and Devon, as fully as if they were respectively and severally repeated in every such clause, provision, direction, and authority.

CAP. XXXVIII.

AN ACT for effecting greater Uniformity of Practice in the Government of the several Prisons in *England and Wales*; and for appointing Inspectors of Prisons in *Great Britain*.

(25th August 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Rules for government of prisons to be approved only as hereinafter provided.
2. Manner in which such rules are to be made and approved.
3. Justice of Peace empowered to commit offenders to any house of correction near the place where the assizes are to be holden at which they are to be tried.
4. How persons convicted of offences for which they are liable to death, &c. shall be disposed of.
5. Clerks of Peace, &c. to transmit copies of prison rules to Secretary of State, who may add to or alter the same.—Clerks of Peace &c. to lay copies of prison rules before the Court of Quarter Sessions.
6. In case Clerks of Peace neglect to transmit such rules to the Secretary of State he may certify what rules he may deem necessary for the government of such prisons.
7. Power to appoint inspectors of prisons.
8. Penalty on obstructing inspectors.
9. A Justice may summon offenders on complaint being made.
10. Secretary of State may visit or authorize any person to visit prisons.
11. His Majesty may order prisoners to be removed from one prison to another.
12. Where term of imprisonment expires on a Sunday, prisoner to be discharged on the preceding Saturday.
13. Power given by 4 & 5 Will. 4. c. 36, to His Majesty to direct persons sentenced to imprisonment for offences committed beyond limits of that Act to be removed to Penitentiary, extended to offences committed within the limits.
14. Powers contained in Penitentiary Acts extended to all prisoners confined therein.
15. 800 male convicts may be confined in Penitentiary, instead of 600, as limited by 59 Geo. 3. c. 136.
16. Act may be altered this session.

By this Act,

After reciting that by the laws now in force rules and regulations made for the government of certain prisons, and for the duties to be performed by the officers of the same, are in London and Middlesex required to be submitted to the two Chief Justices, and elsewhere to certain other Justices, for approval, and to be approved of by them before they can be enforced:—

It is Enacted,

1. That no such rules and regulations made after the passing of this Act shall be required to be submitted for approval, or to be approved of, otherwise than is hereinafter mentioned.

II. That all rules and regulations which shall be made after the passing of this Act by the Court of Mayor and Aldermen the city of London, Justices of the Peace, or other persons whatsoever, which they are now by law authorized to make for the government of any prisons in England and Wales, or for the duties to be performed by the officers of such prisons, shall be submitted to one of His Majesty's principal Secretaries of State, and it shall be lawful for such Secretary of State, if he think fit, to alter such rules and regulations, or to make additional rules and regulations thereto, and to subscribe a certificate or declaration that such rules and regulations as submitted to him, or altered or added to, are proper to be enforced; and when such Secretary of State shall have subscribed such certificate or declaration, such rules and regulations, alterations and additions, shall be binding upon the sheriff and all other persons, without any other sanction or approval: Provided also, that no rule or regulation, save as hereinafter is mentioned, which, after the passing of this Act, shall be made for any prison within England or Wales, or for the duties to be performed by the officers of such prison, shall be enforced until a certificate or declaration shall have been duly subscribed by one of His Majesty's principal Secretaries of State in manner aforesaid.

after reciting that great inconvenience and expense have been found to result from the practice of committing to the gaol of the county persons charged with the offences intended to be tried at the assizes or sessions holden for such county, where such assizes or sessions are holden at places distant from such common gaol, and it is expedient that the law be altered and amended; for remedy thereof,—

It is Enacted,

That from and after the passing of this Act it shall be lawful for any Justice of the Peace or Coroner, acting within several jurisdictions in England and Wales, to commit for safe custody to any house of correction, situate near to the place where such assizes and sessions are intended to be holden, any person or persons charged before them with any offence at such assizes or sessions; and that whenever any such persons shall be committed to any such house of correction for such assizes or sessions, the keeper of such house of correction shall deliver to the Judges of Assize or Justices at the place where such assizes or sessions are holden a calendar of all prisoners in his custody for trial at such assizes or sessions respectively, in the same way that a calendar of the county would be by law required to do if such prisoners had been committed to the common gaol of the county.

That whenever any person shall be convicted at any assizes or sessions of any offence for which he or she shall be liable to the punishment of death, transportation, or imprisonment, it shall be lawful for the Court (if it shall so think fit) to commit such person to any house of correction for such county, in execution of his or her judgment; and in case of the conviction of any person sentenced to death, execution of such judgment shall and may be had and done by the sheriff of the county; and in case of the commitment of any person either sentenced to transportation, or pardoned for any capital offence, the Court shall, in addition to transportation, all the powers, provisions, and authorities for the removal of offenders sentenced to transportation, or granted by any former Act or Acts of Parliament to sheriffs or gaolers, shall be and the same are hereby confirmed and given to the keepers of houses of correction in whose custody such last-mentioned offenders shall be.

That on or before the 1st of November in every year the clerks of the peace for every county, riding, or division of a county in England and Wales, the clerks of every gaol sessions, and the chief Magistrates of every city, town, borough, port, or hamlet within England and Wales, now having any prison, shall transmit copies of all rules and regulations in force on the 25th of September in such year for the government of every prison for and belonging to their respective counties, ridings, or divisions of counties, cities, towns, boroughs, ports, and liberties, to one of His Majesty's principal Secretaries of State, together with copies of such new or additional rules and regulations as may be proposed for the government thereof; and that it shall be lawful for such Secretary of State to alter such rules or regulations, copies whereof shall be transmitted to him in pursuance of this Act, and to make additional rules or regulations thereto, and to subscribe a certificate or declaration that such rules and regulations as transmitted to him, or altered or added to, are proper to be enforced; and the rules and regulations, together with additions so certified shall be binding upon sheriffs and all other persons; and the clerks of the peace for every county, riding, or division of a county in England and Wales, the clerks of every gaol sessions, and the chief Magistrates of every city, town, borough, port, and liberty, are hereby required to lay before the Court of Quarter Sessions held next after the 25th of September in every year for their respective counties, ridings, divisions of counties, cities, towns, boroughs, or hamlets on the first day of such sessions, like copies of all rules and regulations in force on the 25th of September in such year for the government of their respective prisons.

That in case of any clerk of the peace, clerk of gaol sessions, or chief Magistrate of any city, town, borough, port, or hamlet neglecting or omitting to transmit to one of His Majesty's principal Secretaries of State copies of the rules or regulations in force for the government of any prison which he is required by this Act to transmit, it shall be lawful for one of His Majesty's principal Secretaries of State after the 1st of December in every year to certify what rules and regulations he deems proper for the government of such prison; and the rules and regulations so certified by such Secretary of State shall thenceforth be binding upon sheriffs and all other persons, and shall be the only rules in force for the government of such prison.

That it shall be lawful for one of His Majesty's principal Secretaries of State to nominate and appoint a sufficient number of fit and proper persons, not exceeding five, to visit and inspect, either singly or together, every gaol, bridewell, house of correction, penitentiary, or other prison or place kept or used for the confinement of prisoners, in any part of the kingdom of Great Britain; and every person so appointed shall have authority to examine any person holding any office or receiving any salary or emolument in any such gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement, and to call for and inspect all books and papers relating thereto, and to inquire into all matters touching and concerning such gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement; and every such person so appointed shall, on or before the 1st of February in every year, make a separate and distinct report in writing of the state of every such gaol, bridewell, house of correction, penitentiary, prison, or other place of confinement visited by him, and shall transmit the same to one of His Majesty's principal Secretaries of State; and a copy of every such report shall be laid before both Houses of Parliament within fourteen days after such 1st of February, if they shall be then assembled; or if Parliament shall not be then assembled, within fourteen days after the meeting thereof after such 1st of February.

That if any person shall knowingly and wilfully obstruct any person so appointed in the execution of any of the powers conferred on him by this Act, such person shall, on conviction before a Justice of the Peace, forfeit and pay for each and every offence any sum not exceeding 20*l.*, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice shall appoint, shall be committed to prison for any period not exceeding one calendar month.

That it shall be lawful for a Justice of the Peace on any complaint made to him against any person for any such offence, to issue his summons for the appearance of such person.

That it shall be lawful for any one of His Majesty's principal Secretaries of State to visit and inspect, or to authorize in writing any person or persons to visit and inspect, any prison or prisons or any penitentiary or other place of confinement for the confinement of prisoners in Great Britain upon any occasion which such Secretary of State may think expedient.

xi. That it shall be lawful for His Majesty by an order in writing, to be notified in writing by one of His Majesty's principal Secretaries of State, to direct that any persons in prison within England and Wales, under sentence of any Court or any competent authority for any offence committed by them, shall be removed from the prison in which they are confined to any other of His Majesty's prisons or penitentiaries within England and Wales, there to be imprisoned for and during the respective terms of imprisonment.

xii. That every person confined in any prison whose term of imprisonment would according to his or her sentence expire on any Lord's Day shall be entitled to his or her discharge from such prison on the Saturday next preceding such Lord's Day; and every keeper, governor, or other officer of any prison having the custody of any such prisoner as aforesaid is hereby authorized and required to discharge such prisoner on the Saturday next preceding any such Lord's Day.

And after reciting that by an Act, 4 & 5 Will. 4. c. 36, intituled, 'An Act for establishing a new Court for the trial of Offences committed in the Metropolis and Parts adjoining,' it was among other things enacted, that it shall be lawful for His Majesty, by an order in writing, to be notified in writing by one of His Majesty's principal Secretaries of State, to direct that any persons who may be sentenced to imprisonment by any Court or competent authority for any offence committed beyond the limits of that Act, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the Penitentiary at Milbank, there to be imprisoned for and during their respective terms of imprisonment: And that it is expedient that the like power should be given for removing persons who shall be sentenced by any Court, or ordered by any competent authority, to be imprisoned for offences committed within the limits of the said Act, no less than for offences committed beyond the limits of the said Act;—

It is Enacted,

xiii. That it shall be lawful for His Majesty by an order in writing, to be notified in writing by one of His Majesty's principal Secretaries of State, to direct that persons who shall be sentenced by any Court, or ordered by any competent authority, to be imprisoned for any offence committed within the limits of the before-recited Act, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed, shall be removed to the Penitentiary at Milbank, there to be imprisoned for and during the respective terms of imprisonment.

xiv. That all provisions and regulations expressed and contained in any Act made for the government of the General Penitentiary at Milbank, and all powers given by such Act for the confinement, employment, and management of convicts therein, shall be applicable and made available in respect to all persons removed to and confined in the said Penitentiary by virtue of this Act, and the Act before recited.

And after reciting that by an Act, 59 Geo. 3. c. 136, intituled, 'An Act for the better Regulation of the General Penitentiary for Convicts at Milbank,' it was among other things enacted, that any number of convicts not exceeding 600 male or female convicts may, with the approbation of one of His Majesty's principal Secretaries of State for the time being, be at one time imprisoned, confined, employed, and managed in the said Penitentiary, under the provisions of the said Act or certain other Act therein recited: And that it is expedient that power should be given to increase the number of male convicts to be confined in the said Penitentiary:—

It is Enacted,

xv. That any number of male convicts not exceeding 800 may, with the approbation of one of His Majesty's principal Secretaries of State for the time being, be at one time imprisoned, confined, employed, and managed in the said Penitentiary under the provisions of the said last-recited Act and a certain other Act therein recited.

xvi. That this Act may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

CAP. XXXIX.

AN ACT to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal of Wine therefrom.

(31st August 1801.)

ABSTRACT OF THE ENACTMENTS.

1. Retailers of spirits not consuming more than 50 gallons in the year, not to be required to pay the additional duties on Wine.
2. For ascertaining the quantity of spirits received and consumed.
3. So much of any Acts as requires entries by dealers in wine, and as authorizes survey by officers, repealed.
4. Retailers of wine, who also deal in or retail spirits, to continue to make entry, and officers of Excise may enter and examine places used for keeping wine.
5. Permits not required for removal of wine.

6. Act not to effect licences for dealing in wine.

7. Licences may be granted to sell beer, spirits, and wine in theatres, &c. without the production of a certificate.

8. Act may be altered this session.

By this Act,

After reciting that by an Act, 4 & 5 Will. 4. c. 75, intituled, 'An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits,' certain additional rates and duties of Excise were granted and imposed on Excise licences, taken out by retailers of spirits: And that it is expedient to exempt from the payment of such additional rates and duties such retailers of spirits as do not receive or consume more than fifty gallons of spirits in the course of a year: And that it is deemed unnecessary to continue the keeping accounts by the officers of Excise of the stocks of dealers in and retailers of foreign wine, or the survey by the officers of Excise of such dealers and retailers as shall deal in or retail wine only, and shall not be dealers in or retailers of spirits, or to continue the use of permits in the removal of wine:—

It is Enacted,

I. That from and after the 10th of October 1835 no retailer of spirits not receiving or consuming more than fifty gallons of spirits in the year shall be obliged or required to pay the said additional rates and duties on taking out or renewing his licence to retail spirits; but every such retailer shall be entitled to receive, and the Commissioners and officers of Excise are hereby authorized, empowered, and required to grant such licence on payment of the rates and duties payable before the passing of the said recited Act.

II. That the quantity of spirits received and consumed by any retailer of spirits shall for the purposes of this Act be ascertained and determined by the quantity of spirits received into the stock of such retailer during the year next preceding the application by such retailer to take out or renew his licence, as appearing either by the permits granted by or delivered to the officers of Excise, or by any stock account of any officer of Excise.

III. That from and after the passing of this Act so much of any Act or Acts as requires any dealer in or retailer of wine to make entry of the premises by him occupied for dealing in or retailing wine, and as requires the keeping an account by the officers of Excise of the stocks of wine in the possession of dealers or retailers, and as authorizes the survey by officers of Excise of such stocks and of the premises in which the same are kept, shall be and the same is hereby repealed.

IV. Provided, That where any dealer in or retailer of wine shall also be a dealer in or retailer of foreign or British spirits in the same house or premises, or in any other house or premises within 500 yards, such dealer or retailer shall continue to make entry with the officers of Excise of every house, room, cellar, vault, or place made use of by him for the keeping or retailing of or dealing in or retailing wine, on pain of forfeiting for every unentered house, room, cellar, vault, or place, 50*l.*, together with all wine and other liquors which may be found therein; and it shall be lawful for any officer of Excise at any time to enter into any house, room, cellar, vault, or place used by any such dealer or retailer for keeping or storing, dealing in or retailing wine, and to examine all wine therein.

V. That so much of any Act or Acts as relates to the requiring of permits for the removal of wine shall be and the same is hereby repealed.

VI. Provided, That nothing in this Act contained shall extend, or be deemed or construed to extend, to affect the duties or licences required to be taken out by dealers in and retailers of wine; but that every dealer in and retailer of wine shall be out a licence or licences, and pay for the same in the same manner as if this Act had not been passed.

VII. That it shall be lawful for the Commissioners and officers of Excise, and they are hereby authorized and empowered, to grant retail licences to any person to sell beer, spirits, and wine in any theatre established under a royal patent, or in any street or other place of public entertainment licensed by the Lord Chamberlain or by Justices of the Peace, without the sanction by the person applying for such licence or licences of any certificate or authority for such person to keep a common alehouse, or victualling house; anything in any Act or Acts to the contrary notwithstanding.

VIII. That this Act or any of the provisions thereof may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. XL.

ACT to provide for the better Collection of the Duties on Wood the Produce of Places in Europe.

(31st August 1835.)

By this Act,

After reciting that by an Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs,' certain duties are made payable upon wood imported from Europe, and certain other duties are made payable upon wood imported from the West India possessions in America; and it is expedient to enforce in all cases the payment of the said first-mentioned duties on wood the produce of Europe:—

It is Enacted,

That the duties payable under the authority of the said Act upon wood imported from Europe shall be due and upon wood the produce of Europe although imported from some British possession in America, and that such duties raised, levied, collected, and paid unto His Majesty in like manner as if the same had been made so payable in the said Act; anything in that Act, or in any other Act or Acts, to the contrary notwithstanding.

CAP. XLI.

AN ACT to amend the Law relating to Securities given for Considerations arising out of usurious, and certain other illegal Transactions.

(31st August)

ABSTRACT OF THE ENACTMENTS.

1. *Securities given for considerations arising out of illegal transactions not to be void, but to be deemed to have been given for an illegal consideration.*
2. *Money paid to the holder of such securities shall be deemed to be paid on account of the person to whom the same was given.*
3. *Repealing so much of recited Acts of 9 & 11 Ann. as enacts that securities shall enure for the benefit of parties in reversion.*
4. *Act may be altered this session.*

By this Act,

After reciting that by the Act, 16 Car. 2. c. 7, and by an Act, 10 Will. 3. (Ireland), each of such Acts being intituled, 'An Act against deceitful, disorderly, and excessive Gaming,' it was enacted, that all and singular judgments, statutes, ordinances, mortgages, conveyances, assurances, bonds, bills, specialties, promises, covenants, agreements, and other securities whatsoever, which should be obtained, made, given, acknowledged, or entered into for security or for the payment of or for any money or other thing lost at play or otherwise as in the said Acts respectively is mentioned, or for the recovery thereof, should be utterly void and of none effect: And that by an Act, 9 Ann. c. 14, and also by an Act, 11 Ann. c. 19, each of such Acts being intituled, 'An Act for the better preventing of excessive and deceitful Gaming,' it was enacted, that from and after the several days therein respectively mentioned all notes, bills, bonds, judgments, mortgages, or other securities whatsoever, given, granted, drawn, or entered into or executed by any person or persons whatsoever, the whole or any part of the consideration of such conveyances or securities should be for any money or other valuable consideration whatsoever won by gaming or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever, or on the sides or hands of such as did game at any of the games aforesaid, or for the reimbursing or repaying of any person or persons so gaming or betting as aforesaid, or lent or advanced at the time and place of such gaming or betting, or for any person or persons so gaming or betting as aforesaid, or that should, during such play, so play or bet, should be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever; and that where such mortgages, securities, or other conveyances should be of lands, tenements, or hereditaments, or should be such as should inure to or affect the lands, tenements, or hereditaments of any person or persons, such mortgages, securities, or other conveyances should enure and be to and for the sole use and benefit of and should not be to and for the use and benefit of any person or persons as should or might have or be entitled to such lands or hereditaments in case the said person or persons should die, or should be otherwise disabled from coming to or devolving upon such person or persons thereby intended to enjoy the same as aforesaid, or should be deemed fraudulent and void and of none effect, to all intents and purposes whatsoever: And that by an Act, 12 Geo. 3. c. 16, intituled, 'An Act to reduce the Rate of Interest without any Prejudice to Parliamentary Securities,' it was enacted, that all bonds, contracts, and assurances whatsoever made after the 29th of September 1714 for payment of any money to be lent or covenanted to be performed upon or for any usury, whereupon or whereby there should be taken above the rate of 5l. in the 100l., as therein mentioned, should be utterly void: And that by an Act, 13 Geo. 3. (Ireland,) intituled, 'An Act for reducing the Interest of Money to Six per Cent.,' it was enacted, that all bonds, contracts, and assurances whatsoever made after the 1st of May 1732 for payment of any principal or money to be lent or covenanted to be performed upon or for any loan, whereupon or whereby there should be taken above the rate of 6l. in the 100l., should be utterly void: And that by an Act, 58 Geo. 3. c. 93, intituled, 'An Act to afford Relief to the holders of negotiable Securities without Notice that they were given for a usurious Consideration,' it was enacted, that no bill or promissory note that should be drawn or made after the passing of that Act should, though it might have been given for a usurious consideration or upon a usurious contract, be void in the hands of an indorsee for valuable consideration, if the indorsee had at the time of discounting or paying such consideration for the same actual notice that such bill or promissory note had been originally given for a usurious consideration or upon a usurious contract: And that by an Act, 59 Geo. 3. (Ireland,) intituled, 'An Act to prevent Frauds committed by Bankrupts,' it was enacted, that every bond, contract, agreement, or other security whatsoever to be made or given by any bankrupt or by any other person upon or in trust for any creditor or creditors, or for the security of the payment of any debt or sum of money due or to be due to any person at the time of his becoming bankrupt, or any part thereof, between the time of his becoming bankrupt

rupt's discharge, as a consideration or to the intent to persuade him, her, or them to consent to or sign any such allowance certificate, should be wholly void and of no effect, and the monies there secured or agreed to be paid should not be recovered recoverable: And that by an Act, 45 Geo. 3. c. 72, intituled, 'An Act for the Encouragement of Seamen, and for the better more effectually manning His Majesty's Navy during the present War,' it was enacted, that all contracts and agreements should be entered into, and all bills, notes, and other securities which should be given, by any person or persons for or on behalf of any ship or vessel, or of any merchandize or goods on board the same, contrary to that Act, should be absolutely void in law, and of no effect whatsoever: And that by an Act, 6 Geo. 4. c. 16, intituled, 'An Act to amend the relating to Bankrupts,' it was enacted, that any contract or security made or given by any bankrupt or other person or in trust for any creditor, or for securing the payment of any money due by such bankrupt, at his bankruptcy, as a consideration or with intent to persuade such creditor to consent to or sign the certificate of any such bankrupt, should be void and the money thereby secured or agreed to be paid should not be recoverable, and the party sued on such contract or security might plead the general issue, and give that Act and the special matter in evidence: And that securities and instruments made void by virtue of the several hereinbefore recited Acts, 16 Car. 2, 10 Will. 3, 9 and 11 Ann., 11 & 12 Geo. 3, 13 and 6 Geo. 4, and securities and instruments made void by virtue of the said Act, 12 Ann., and the 5 Geo. 2, other bills of exchange or promissory notes made valid by the said Act, 58 Geo. 3, are sometimes indorsed, transferred, assigned, conveyed to purchasers, or other persons for a valuable consideration, without notice of the original consideration for which securities or instruments were given; and the avoidance of such securities or instruments in the hands of such purchasers or other persons is often attended with great hardship and injustice: For remedy thereof—

It is Enacted,

That so much of the hereinbefore recited Acts, 16 Car. 2, 10 Will. 3., 9, 11, and 12 Ann., 5 Geo. 2, 11 & 12 and 45 Geo. 3, and 6 Geo. 4, as enacts that any note, bill, or mortgage shall be absolutely void, shall be and the same is hereby repealed; but nevertheless every note, bill, or mortgage which if this Act had not been passed would, by virtue of the said lastly hereinbefore mentioned Acts or any of them, have been absolutely void, shall be deemed and taken to have been drawn, accepted, given, or executed for an illegal consideration, and the said several Acts shall have the same force and effect which they would respectively have had if instead of enacting that any such note, bill, or mortgage should be absolutely void such Acts had respectively provided that every such note, bill, or mortgage should be deemed and taken to have been drawn, accepted, given, or executed for an illegal consideration: Provided always, that nothing herein contained shall repeal or affect any note, bill, or mortgage which would have been good and valid if this Act had not been passed.

That in case any person shall, after the passing of this Act, make, draw, give, or execute any note, bill, or mortgage for consideration on account of which the same is by the hereinbefore recited Acts, 16 Car. 2, 10 Will. 3, and 9 and 11 Ann., or any one or more of such Acts, declared to be void, and such person shall actually pay to any indorsee, holder, or assignee of such note, bill, or mortgage the amount of the money thereby secured, or any part thereof, such money so paid shall be deemed and taken to have been paid for and on account of the person to whom such note, bill, or mortgage was originally given upon such illegal consideration as aforesaid, and shall be deemed and taken to be a debt due and owing from such last-mentioned person to the person who shall so have paid such money, and shall accordingly be recoverable by action at law in any Majesty's courts of record.

That so much of the said Acts, 9 and 11 Ann., as enacts that where such mortgages, securities, or other conveyances are mentioned should be of lands, tenements, or hereditaments, or should be such as should incumber or affect the same, such mortgages, securities, or other conveyances should enure and be to and for the sole use and benefit of and should devolve upon such person or persons as should or might have or be entitled to such lands or hereditaments in case the grantor or grantee thereof, or the person or persons incumbering the same, had been naturally dead, and as if such mortgages, securities, or other conveyances had been made to such person or persons so to be entitled after the decease of the person or persons so incumbering the same, and that all grants or conveyances to be made for the preventing of such lands, tenements, or hereditaments from coming to or devolving upon such person or persons thereby intended to enjoy the same as aforesaid, should be deemed and taken to be void and of none effect, to all intents and purposes whatsoever, shall be and the same is hereby repealed; saving nevertheless all rights acquired by virtue thereof previously to the passing of this Act.

That this Act may be altered or repealed by any other Act during this present session of Parliament.

CAP. XLII.

ACT to authorize the granting of Superannuation Allowances to the Commissioners and Officers of the Courts for the Relief of Insolvent Debtors.

(31st August 1835.)

By this Act,

reciting that by an Act, 4 & 5 Will. 4. c. 24, intituled, 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensation, and Allowances to be made to Persons in respect of their having held Offices in His Majesty's Service,' it is enacted, that the Superannuation Allowances authorized by that Act shall extend to all such civil and military departments as are set forth and enumerated in the Schedule to that Act annexed, and that it should be lawful for the Commissioners of His Majesty's Treasury, by any order or warrant under the hands of any three or more of them, to add to the list of offices and departments enumerated in the said Schedule any other offices which then existed or might thereafter be created or established, and to place the same and the officers and persons employed therein under the provisions of that Act: And power was thereby given to the Commissioners of His Majesty's Treasury, in case it should appear to them that any

special circumstances afforded to any officer or clerk in the several offices or departments mentioned in the Schedule Act, or in the addition authorized to be made thereto, a just claim to an amount of superannuation allowance not authorized by the Act, or exceeding the amount therein specified with reference to the length of his services, to grant or give any superannuation allowance to any officer or clerk should appear to them to deserve; and it was further provided and enacted, that nothing in that Act contained should authorize the adding to such lists any officers in any of His Majesty's Courts at Westminster or Dublin, or any other His Majesty's courts of justice elsewhere: And that by an Act, 1 Geo. 4, intituled, 'An Act for the Relief of Insolvent Debtors in England,' it was enacted that it should be lawful for His Majesty to appoint a chief and two other Commissioners for the Relief of Insolvent Debtors, to preside in a court to be called "The Court for the Relief of Insolvent Debtors," and certain officers of such court were to be appointed as therein mentioned, and that the Act was afterwards continued and amended, and further provisions made in relation to said court, by certain other Acts of Parliament: and that by an Act, 1 & 2 Geo. 4, c. 59, intituled, 'An Act for the Relief of Insolvent Debtors in Ireland,' the Lieutenant or other Chief Governor or Governors of Ireland were empowered to appoint any number of persons not exceeding two, being barristers at law of ten years standing at the least, to be His Majesty's Commissioners for the Relief of Insolvent Debtors in Ireland, to preside in a court to be called "The Court for the Relief of Insolvent Debtors," to be held at such place in Dublin as should be appointed for that purpose by the order of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, the salary of each of such Commissioners to be paid out of the Consolidated Fund, as was provided in such Act: And that no provision has been made by the said Acts made in the reign of His late Majesty for granting superannuation allowance to any Commissioner or officer of the said courts respectively, and doubts have been entertained whether any such superannuation allowance can be now granted under the provisions of the said in part recited Act, 4 & 5 Will. 4, in consequence of the exceptions therein contained as to officers in any of His Majesty's Courts of Justice at Westminster or Dublin; and it is expedient to provide for the granting of such superannuation allowance:—

It is Enacted,

I. That from and after the passing of this Act it shall and may be lawful for the Commissioners of His Majesty's Courts of Justice by any warrant under the hands of any three or more of them, to grant to any Commissioners of the said courts respectively from age or infirmity of body or mind shall be incapable of discharging the duties of his office, or whose office shall be abolished by law, or cease in consequence of the expiration of any Act of Parliament, a superannuation allowance equal to such portion of the amount of the salary and emoluments of his office as they shall think fit, and to grant to any of the officers of the said courts respectively who shall be from age or infirmity of mind or body incapable of discharging the duties of his office, or whose office shall cease or be abolished as aforesaid, a superannuation allowance, in the same manner and upon the same conditions as it could or might now be granted under the provisions of the said in part recited Act, 4 & 5 Will. 4, if the provisions of the said courts respectively were mentioned in the Schedule to that Act annexed.

II. Provided always, That a statement of the amount of such superannuation allowance, and the names of the persons to whom it was granted, shall be laid before Parliament within one month after the granting thereof, in case Parliament shall be then sitting, and in case Parliament shall not be then sitting, within one month after the next meeting of Parliament.

CAP. XLIII.

AN ACT for enlarging the Powers of Magistrates in the Appointment of Special Constables

(31st August 1834)

By this Act,

After reciting that by an Act, 1 & 2 Will. 4, c. 41, intituled, 'An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace,' it is amongst other things enacted, that in all cases in which it should be made to appear to any two or more Justices of the Peace in any county, riding, or division having a separate commission of the peace, or to any two or more Justices of the Peace of any liberty, franchise, city, or town in England or Wales, upon the oath of any credible witness, that any tumult, riot, or felony had taken place, or might be reasonably apprehended in any parish, township, or place situate within the division or limits for which the said respective Justices usually exercise their jurisdiction, such Justices should be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the protection of the inhabitants and the security of the property in any such parish, township, or place as aforesaid, then and in such case such Justices, or any two or more Justices acting for the same division or limits, are thereby authorized to appoint, by precept in writing under their hands, so many as they should think fit of the householders or other persons (being legally exempt from serving the office of constable) residing in such parish, township, or place as aforesaid, or in the neighbourhood thereof, to act as special constables for such time and in such manner as to the said Justices respectively should seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants and the security of the property in such parish, township, or place: And that it is expedient that the power of appointing special constables given by the said Act should be extended in manner hereinafter mentioned:—

It is Enacted,

I. That all persons willing to act as special constables under the provisions of the said Act shall be capable of being so appointed, and acting, and may be appointed and act as such special constables, notwithstanding they may not be resident in such parish, township, or place as aforesaid, or in the neighbourhood thereof; and every person appointed and acting as special constable under the provisions of this Act shall have all the same powers, and be entitled to and enjoy all the same privileges and immunities, and be subject to all the same duties and liabilities, as the special constables appointed or to be appointed under the provisions of the said Act.

II. That this Act may be amended, altered, or repealed by any other Act to be passed in this session of Parliament.

CAP. XLIV.

ACT for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the service of the Year One thousand eight hundred and thirty-five.

(31st August 1835.)

By this Act the Commons granted, and it is Enacted,

That the Treasury may raise 13,521,550*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1.

The clauses, &c. in recited Act extended to this Act.

Treasury to apply the money raised to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

Bills to be payable out of supplies of the next session.

Interest on Exchequer bills not exceeding the rate of 3*½*d. per centum per diem upon or in respect of the whole of the respectively contained therein payable out of any aids or supplies in the receipt of His Majesty's Exchequer at Westminster.

Bills to be current at the Exchequer after April 5, 1836.

Bank of England may advance 13,521,550*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

CAP. XLV.

ACT to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery.

(31st August 1835.)

ABSTRACT OF THE ENACTMENTS.

Certificates may be issued by the Commissioners for the Reduction of the National Debt, carrying interest chargeable on the instalments of the loan.

Interest of the certificates chargeable on the Consolidated Fund.

Certificates to be made out for the whole amount, and signed by the Comptroller General or Assistant Comptroller.

Comptroller General or Assistant Comptroller, and officer of the Commissioners of the National Debt, may draw for payment of claim, or issue certificates.

Certificates may be received towards payment of instalments on the loan.

Interest of the compensation of 20,000,000*l.* to be chargeable on the Consolidated Fund from 1st August 1834.

Expenses of the execution of the Act of 3 & 4 Will. 4. to be deducted out of the interest.

Provision has not been made by Barbadoes as required by recited Act.—Creation of a fund to provide compensation for Barbadoes when the provisions of the Act have been complied with.

Work may be transferred for payment of claimants in Barbadoes.

Indemnity to Commissioners, &c.

Exemptions from Stamp Duties.

Persons counterfeiting receipts for contributions, &c. guilty of felony.

No fee to be taken for receiving contributions, or paying or transferring annuities, on penalty of 20*l.*

Provision for investing the Compensation Funds of litigated claims.

Indemnification to Accountants General of Chancery and Exchequer.

Accountants General may appoint a deputy whose acts shall be valid.

Persons sued may plead the general issue.—Treble costs.

By this Act,

reciting the passing of 3 & 4 Will. 4. c. 73, and that a contract or agreement for raising the sum of 15,000,000*l.*, the sum of 20,000,000*l.* authorized to be raised by the said recited Act, has been entered into, under the authority of the said Act, between the Lords Commissioners of His Majesty's Treasury and divers persons willing to contribute the sum of 15,000,000*l.*, bearing date the 3rd August in this present year, for carrying into effect the purposes of the said Act; and that it is expedient to make provisions and regulations whereby the payments to be made to the several persons entitled to compensation under the provisions of the said Act may be so arranged as to fall due and become payable from time to time out of the monies received from time to time under the said contract as instalments of the said sum of 15,000,000*l.* as several instalments shall become due:—

It is Enacted,

I. That the Commissioners for the Reduction of the National Debt may and they are hereby empowered to issue, under forms and regulations as the said Commissioners shall think proper to adopt for that purpose, certificates payable to the bearer thereof, carrying interest after the rate of $2\frac{1}{2}$ d. per centum per diem; and the principal sum specified in such certificates shall be charged upon and shall be payable out of the monies received from time to time on account of the said sum of 15,000,000*l.* standing upon the account of the said Commissioners for the Reduction of the National Debt in the books of the Bank of England, under the title of "The West India Compensation Account"; and such certificates shall be made out from time to time for a sum not exceeding in the whole the principal sum of 13,500,000*l.* sterling.

II. That the interest which shall be payable upon the principal sums specified in the said certificates shall be charged and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and the said Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller acting under the authority of the said Commissioners, shall certify to the Lords of the Treasury from time to time the sum required to be issued out of the said Consolidated Fund for the purpose; and upon receipt of the said certificate the said Lords of the Treasury, or any three or more of them, shall by warrant under their hands cause the sum stated in the said certificates to be issued from time to time to the Governor and Company of the Bank of England, to be by them placed to the said "West India Compensation Account," standing in the name of the said Commissioners in the books of the said Bank.

III. That the said certificates shall be made out for the whole amount of the sum of money awarded to any person or persons under the provisions of the said recited Act, or in sums of even pounds, or the fractional parts of a pound sterling, (except that no fraction less than $\frac{1}{4}$ d. shall be contained in any such certificate,) as the said Commissioners, or the Comptroller General or Assistant Comptroller acting under them, shall deem most convenient; and previous to the issue of any such certificates such respective certificates shall be signed by the said Comptroller General or said Assistant Comptroller, and countersigned by the actuary or other check officer acting under the said Commissioners, and shall be entered in proper books at the National Debt Office for that purpose.

IV. That upon demand being made for the payment of any award for compensation under the provisions of the said Act, the said Comptroller General or Assistant Comptroller, or other proper officer of the said Commissioners, may draw upon the cashiers of the Bank of England, on account of the West India compensation, for the payment of the sum so demanded, together with the interest due thereon, (save and except that interest shall not be computed or allowed upon any fractional part of a pound sterling,) or issue a certificate or certificates, made out and signed as hereinbefore directed, to the person or persons to whom the sum is due, or to his, her, or their attorney or attorneys, executors or administrators, to whom any sum shall be awarded for compensation, the like amount as the sum so awarded (the fractions of a penny excepted), for the payment of and in full satisfaction of the sum of money awarded to such person or persons respectively under the provisions of the said Act; and the principal sum specified in such certificate, together with the interest due thereon, (save and except that interest shall not be computed or allowed upon any fractional part of a pound sterling,) shall be payable at the Bank of England upon the production of such certificate or certificates to the cashiers of the said Bank; and the said cashiers are hereby required, upon the production of the said certificate or certificates, to pay the principal contained in such certificate or certificates accordingly, together with the interest thereon, out of the sum standing in the names of the said Commissioners for the Reduction of the National Debt under the title of "The West India Compensation Account" aforesaid, after which the said certificates shall be cancelled by such cashier or cashiers, and the sum paid up to the said Commissioners.

V. Provided always, that the cashier or cashiers of the Bank shall receive as money from time to time from any person or persons any of the said certificates which shall be presented to them in payment of the whole or of any part of any instalment of the said sum from time to time upon the said 15,000,000*l.*; and in all such cases the interest which shall happen to be then due upon the said certificate or certificates presented to such cashier or cashiers at the time of paying up any instalment shall be added to the principal sum stated in such certificate, and shall be received and accounted as one entire sum.

And after reciting that it is expedient to make provision for the payment of the interest which will become payable upon the said sum of 20,000,000*l.* sterling directed by the said recited Act to be paid to the persons entitled to compensation under the provisions of the said Act:—

It is Enacted,

VI. That the interest upon the said sum of 20,000,000*l.* shall be after the rate of *5l. 7s. 8d. per centum per annum* interest shall commence and be paid to such person or persons from the 1st of August 1834 exclusive, up to and including the day of the payment of the principal sum awarded to such person respectively, or up to and including the date of the issue of the said certificate or certificates (in case a certificate shall be issued to such person or persons in lieu of paying the sum awarded in the said case may be, save and except that interest shall not be computed or allowed upon any fractional part of a pound sterling) and the said interest shall be charged upon and payable out of the said Consolidated Fund of the United Kingdom of Great Britain and Ireland; and the said Comptroller General or Assistant Comptroller shall certify to the Lords of the Treasury the sum required for the payment of all such interest; and upon receipt of the said certificate the said Lords or any three or more of them shall thereupon, by warrant under their hands, cause the sum mentioned in the said certificate to be issued out of the said Consolidated Fund to the Governor and Company of the Bank of England, to be by them placed to the said "West India Compensation Account"; and the said Comptroller General or Assistant Comptroller, or other proper officer of the said Commissioners, are hereby respectively authorized to draw upon the said account from time to time for the payment of the said interest to the several persons entitled to it, or to his, her, or their respective attorney or attorneys, executors or administrators.

And after reciting that the Lords Commissioners of the Treasury are by the said recited Act authorized to cause to be advanced out of the said sum of 20,000,000*l.* all such sums as may be necessary for the payment of all allowances, and for meeting all other necessary charges and expenses in and about the execution of the commission under the said recited Act:

It is Enacted,

That the said Lords of the Treasury or any three or more of them, previously to the issuing out of the said Consolidated Act, may order and direct to be set apart from the sum required to defray the expenses attending the carrying into execution the provisions of the said Act.

after reciting that it is enacted by the said recited Act, that no part of the said sum of 20,000,000*l.* sterling shall be or shall be applicable to the purposes aforesaid, for the benefit of any person now entitled to the services of any slave of the colonies therein mentioned, unless an order shall have been first made by His Majesty, with the advice of his Council, declaring that adequate and satisfactory provision hath been made by law in such colony for giving effect to the said Act by such further and supplementary enactments therein referred to, nor unless a copy of such order in council, duly signed by one of the Clerks in Ordinary of His Majesty's Privy Council, shall by the Lord President of the Council have been transmitted to the Lords Commissioners of His Majesty's Treasury or to the Lord High Treasurer for the time being, for his guidance or information: And that no order of the King in council has been made declaring that adequate and satisfactory provision hath been made by law in the colony of Barbadoes for giving effect to the said recited Act by such further and supplementary enactments as are specified in the said recited Act;—

It is Enacted,

That in order to provide for the payments of the several sums which may be awarded to the several persons in the said colony entitled to compensation under the provisions of the said Act, when and as soon as the provisions of the said Act have been duly complied with as aforesaid, that immediately after the passing of this Act there shall be written in and to the credit of the said Commissioners for the Reduction of the National Debt, in the books of the said Bank, by the Comptroller General for the time being of the said Governor and Company, in a new and separate account under the title of "Compensation Account of the Colony of Barbadoes," the sum of 1,734,353*l.* 12*s.* 7*d.* of capital of reduced annuities, interest after the rate of 3*l.* 10*s.* per centum per annum, such capital in the said annuities being equivalent to the sum of 1,734,353*l.* 12*s.* 7*d.* sterling, estimating the price of such 3*l.* 10*s.* per centum per annum annuities after the rate of 99*l.* 5*s.* for every 100*l.* of such reduced 3*l.* 10*s.* per centum per annum annuities, such price being the average price of the reduced 3*l.* 10*s.* per centum per annum bank annuities on the 3rd of August 1835, being the day on which the said sum was entered into as aforesaid; which sum of 1,734,353*l.* 12*s.* 7*d.* shall be added to and consolidated with and shall be and taken as part of and be subject to all the conditions attending the reduced 3*l.* 10*s.* per centum per annum annuities at the time of the passing of this Act, forming part of the public debt of the United Kingdom of Great Britain and shall be assignable and transferable and redeemable accordingly; and the dividends and charges of management upon the said sum of 1,734,353*l.* 12*s.* 7*d.* reduced 3*l.* 10*s.* per centum per annum annuities shall be chargeable and the same hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and the first half-yearly payment whereof shall commence from the 10th of October 1835 exclusive; and so much money from time to time be set apart and issued at the receipt of the Exchequer in England, out of the Consolidated Fund of Great Britain, to the said cashier or cashiers of the Governor and Company of the Bank of England, as shall be sufficient to pay the said annuities to be created in respect of the said sum of 1,721,345*l.* 19*s.* 7*d.*, together with the charges of the same.

That upon application to the said Commissioners for the Reduction of the National Debt for the payment of any sum shall hereafter be awarded to any person or persons in the said colony of Barbadoes for compensation under the provisions of the said Act, when the provision of the said recited Act shall have been complied with as aforesaid, the said Commissioners shall transfer or cause to be transferred from the said account to the person or persons entitled to such compensation the proportionate amount of the said reduced 3*l.* 10*s.* per centum per annum annuities, in satisfaction of the sum awarded to such person or persons, as the whole sum of 1,721,345*l.* 19*s.* 7*d.* sterling shall bear to the whole capital of the said reduced 3*l.* 10*s.* per centum per annum annuities to be created under the provisions of this Act.

That the several payments which shall be made by the said Commissioners for the Reduction of the National Debt, under the provisions of the said Act or of this Act, to the persons entitled to compensation, or to his, her, or their respective attorney, solicitor, executors or administrators, shall be deemed to be a final payment (and against which there shall be no appeal) and all demands of the sum of money so awarded, and shall be a bar to and against any claim which may hereafter be set up or attempted to be set up or made by any other person or persons whomsoever against the said Commissioners or any officer of the said Commissioners to the sum so awarded: Provided always, that nothing herein contained shall prevent or hinder any person or persons from prosecuting such claim against the person or persons to whom payment shall have been made by the said Commissioners as aforesaid under the provisions of this Act; and the said Commissioners and the said Comptroller General and Assistant Comptroller, or other proper officer acting under the said Commissioners, and also the said Governor and Company and their cashier or cashiers, shall be and they are hereby severally indemnified and saved harmless from all suit or action, at law or in equity, for any act or acts done or performed by them respectively in carrying into execution the provisions of this Act or of the said recited Act.

That the said contract for raising the said sum of 15,000,000*l.*, and all receipts for stock and transfers of stock, and all moneys given or made under the provisions of this Act, or issued by the Commissioners for the Reduction of the National Debt, shall be countersigned by the Comptroller General or Assistant Comptroller, or by any other officer of the said Commissioners, shall be exempted from stamp duty.

That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall act or assist in the forging or counterfeiting, any receipt or receipts for the whole of or any part or parts of contributions towards the said sum of 15,000,000*l.*, either with or without the name or names of any person or persons being inserted therein as the contributor or contributors thereto, payer or payers thereof, or of any part or parts thereof, or any certificate or other instrument to be issued by the Commissioners for the Reduction of the National

Debt, or shall alter any number, figure, or word therein, or utter or publish as true any such false, forged, counterfeited, or altered receipt or receipts, certificate or certificates, instrument or instruments, with intent to defraud the Government, or the Company of the Bank of England, or the Commissioners for the Reduction of the National Debt, or any body politic, or any person or persons whatsoever, every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

XIII. That no fee, reward, or gratuity whatsoever shall be demanded or taken of any of His Majesty's subjects for or paying the said subscription or contribution monies or any of them, or for any receipt concerning the same, or for any said annuities or any of them, or for any transfer of any sum, great or small, to be made in pursuance of this Act, upon any officer or person offending by taking or demanding any such fee, reward, or gratuity, shall for every such offence be liable to the sum of £20. to the party aggrieved, with full costs of suit, to be recovered by action of debt, bill, plaint, or information, in any of His Majesty's courts of record at Westminster, wherein noessoign, protection, privilege, or wager of law, or order of restraint, or any more than one imprisonment, shall be granted or allowed.

And after reciting that certain claims for compensation under the provisions of the said recited Act may be subject to arbitration before the Commissioners of Arbitration appointed thereunder, and also in the courts of the several colonies, and settlement of such claims may therefore be postponed to a distant period: And that it is expedient to authorize the Commissioners for the Reduction of the National Debt to transfer the said compensation funds so under litigation as herein mentioned:—

It is Enacted,

xiv. That in all such cases it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt to pay over from time to time, if the Lords of the Treasury shall think it expedient so to do, into the Bank of England in the name of the Accountant General of the Court of Chancery, the Accountant General of the Court of Exchequer, in trust for the purposes hereinafter mentioned, (anything in the general rules framed by the said Commissioners of Arbitration under any of the clauses of the said recited Act to the contrary notwithstanding,) all such sums of money as shall from time to time be certified by the said Commissioners of Arbitration, according to the provisions of the said Act, to be the subject of any suit in any of the said courts of any colonies respectively, or of any claim before the said Commissioners against which any counter claim shall have been made without any special order for that purpose, or other authority than this Act, and whether such Courts of Chancery or Exchequer respectively shall be sitting or not, and such sums shall be carried to new accounts in the books of the said Bank under the title of "The litigated West India Compensation Account of the Court of Chancery," or "The litigated Compensation Account of the Court of Exchequer," as the case may be; and such monies, when so paid in, shall be carried to the account of the number of the claim as stated and specified in the said certificate of the said Commissioners of Arbitration, and the half-yearly dividends arising from the investments thereof, and also the dividends on all future investments as they arise and become due, shall be invested from time to time by the said Accountants General in their names respectively under the authority of this Act, in 3l. per cent. consolidated bank annuities, to the said respective accounts; and the said annuities purchased with the said compensation monies so invested as aforesaid, and the said accumulations, shall be transferred to the person or persons to whom the same shall be directed to be paid or transferred by any adjudication of the said Commissioners of Arbitration duly certified according to the provisions of the said recited Act, or by order, or judgment of the Court in the colony made in the said suit there depending, or any court of appeal; and such decree, order, or judgment of the Court in the colony, or court of appeal, signed by the proper officer of such court, shall be sufficient evidence of such decree, order, or judgment to the Accountants General of the said Courts of Chancery and Exchequer: Provided always, that all orders and decrees made by any of the Courts in the said colonies respectively, or any court of appeal, or any adjudication or award of the said Commissioners of Arbitration duly certified according to the provisions of the said Act, shall be valid and effectual for the purpose of authorizing the demand upon and payment by the said Accountants General respectively of the said Courts of Chancery and Exchequer of the sums included in such orders, decrees, or awards respectively.

xv. That the said Accountant General of the Court of Chancery, and the said Accountant General of the Court of Exchequer shall be and they are hereby severally and respectively indemnified and saved harmless from all or any suit or suits in law or in equity, for any act to be done or performed by them in carrying into execution the provisions of this Act under the same, and shall not be held or taken to be responsible for or liable to make good any payment of money of bank annuities erroneously made by them respectively, unless the same shall have been occasioned by the wilful negligence of the said Accountant General respectively.

xvi. That it shall and may be lawful for the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer respectively to nominate and appoint a fit and proper person to do and perform the acts and duties imposed upon the said Accountants General by this Act, and that the acts of the said deputies shall be valid and effectual as if the same had been done by the said Accountants General themselves.

xvii. That if any person or persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such person or persons shall and may plead the general issue, and give this Act and the special matter in dispute in his, her, or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or for the plaintiff or plaintiffs shall discontinue his, her, or their action or prosecution, or be nonsuited, or judgment shall be given for the plaintiff or plaintiffs, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to them against any such plaintiff or plaintiffs.

CAP. XLVI.

ACT to amend, until the End of the next Session of Parliament, an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in *Scotland*.

(31st August 1835.)

Act provides that, in case of indisposition of remaining Baron of Court of Exchequer, Judge of Court of Session to try the Exchequer Court.

CAP. XLVII.

ACT to repeal so much of an Act passed in the Third and Fourth Years of His present Majesty relates to the Amount of the Salary granted to the Clerk of the Crown in Chancery; and to make Provisions in relation to the said Office.

(31st August 1835.)

ABSTRACT OF THE ENACTMENTS.

*Repealing so much of recited Act as grants a salary of 800*l.* to the Clerk of the Crown, and granting a clear salary of 500*l.* in lieu thereof.*

Treasury may allow the expenses of the office of the Clerk of the Crown, and direct the same to be paid out of the fees.

Treasury may vary the allowance for expenses.

Sum allowed for expenses to commence and be payable from the 15th of November 1834, and be paid quarterly.

Treasury and the Lord Chancellor may alter and vary the scale of fees whenever they shall think it expedient.—Fees to be accounted for as the Treasury may direct.

By this Act,

Enacting that by an Act, 3 & 4 Will. 4. c. 84, intituled, 'An Act to provide for the Performance of the Duties of certain officers connected with the Court of Chancery which have been abolished,' the salary of the Clerk of the Crown in Chancery at 800*l.* per annum, in full satisfaction for the duties of the said office, and of all expenses incident to the performance thereof: And that the expenses of the said office vary, and in some years may be so great as to leave a very inadequate salary of the Clerk of the Crown; and it is expedient to make provision for securing to that officer a proper remuneration for the responsible duties performed by him, and for the payment of the reasonable and necessary expenses of his

is Enacted,

That so much of the said recited Act by which the yearly salary of 800*l.* is granted to the Clerk of the Crown in Chancery in full satisfaction for the duties of the said office, and of all expenses incident to the performance thereof, shall be and is hereby repealed; and instead and in lieu thereof there shall be paid to the said Clerk of the Crown for the time being a yearly salary of 500*l.*, free and clear from all deductions on account of the expenses incident to the performance of the duties of the said office; and the said salary of 500*l.* shall be issued and payable out of and be charged and chargeable upon the same fund as the before-mentioned yearly salary of 800*l.* was directed to be issued out of and made chargeable upon the said recited Act.

That it shall be lawful for the Lord High Treasurer, or any three or more of the Commissioners of His Majesty's Treasury, at any time being, and he and they is and are hereby required, by warrant under his or their hands, to allow to the said Clerk of the Crown, for his clerks, and for the other incidental and necessary expenses of his office, such sum per annum as he shall deem reasonable and proper; and the sum so allowed as aforesaid shall be paid and payable out of and be charged and chargeable upon the fees and emoluments taken and received in the office of the said Clerk of the Crown; and the residue of the said fees and emoluments, after payment of the said expenses, shall be paid and payable into the receipt of His Majesty's Exchequer, and be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Nothing in the said recited Act to the contrary notwithstanding.

Provided always, That it shall be lawful for the said Lord High Treasurer, or any three or more of the Commissioners of His Majesty's Treasury, from time to time to reduce or increase the amount to be allowed to the said Clerk of the Crown for the expenses of his office as occasion may be or require.

That the said yearly salary of 500*l.* hereby granted to the Clerk of the Crown in Chancery, together with such annual sum as shall be allowed by the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Clerks and other officers and expenses of the said office as aforesaid, shall commence on and be payable from the 15th of November 1834, when the Clerk of the Crown was appointed, and shall from time to time be paid and payable, charged and chargeable quarterly on the 31st of March, the 30th of June, the 30th of September, and the 31st of December in each year.

v. That it shall and may be lawful for the Lord High Treasurer, or any three or more of the Commissioners of His Majesty's Treasury, together with the Lord Chancellor, or the Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, whenever it shall appear to them expedient so to do, to alter and vary the scale of fees to be demanded by the Clerk of the Crown in Chancery; and such scale of fees, when so altered and settled, shall be deemed lawful fees appertaining and belonging to the office of the Clerk of the Crown, and shall and may be demanded accordingly; and the whole of the fees and emoluments which have been received by the present Clerk of the Crown at the date of his appointment, and which may hereafter be received in the said office, shall be accounted for by the said Clerk of the Crown, and by his successors, to the Lord High Treasurer or Commissioners of His Majesty's Treasury, at such times and in such form and manner as he or they shall think fit to direct; and the amount of such emoluments, after deducting from and paying thereout the necessary expenses of the said office so sanctioned and aforesaid, shall be paid by the Clerk of the Crown for the time being into the receipt of His Majesty's Exchequer, within ten days from the time of rendering the account thereof as aforesaid; and such amount shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

CAP. XLVIII.—IRELAND.

AN ACT for the better Prevention and more speedy Punishment of Offences endangering the Peace in Ireland.

(51st Aug.)

ABSTRACT OF THE ENACTMENTS.

1. Lord Lieutenant in council may order an Extraordinary Court of General Sessions to be holden for any county in Ireland.
2. Such Court to have powers of any Court of Oyer and Terminer, &c.—Sheriffs and other officers bound to attend it.
3. Prosecutors, offenders, witnesses, &c. shall be bound to attend thereat on receiving a written notice to that effect.
4. Notice to be given by the clerk of the peace of the time and place for holding such Court.
5. Court may adjourn from time to time and place to place, until termination of its sitting, as fixed by order of Lord Lieutenant in council.—Grand jury.
6. Offenders to be tried forthwith, unless Court shall otherwise order.
7. Proceedings not to be removed by certiorari, &c.
8. Carrying or concealing fire-arms in certain cases to be deemed a misdemeanor.
9. Lord Lieutenant, on presentment of grand jury, may direct such Court to issue a notice enjoining the inhabitants of any parish therein specified to remain within their habitations at night.
10. Any person found abroad in the night after such notice, in any place specified therein, shall be deemed guilty of a misdemeanor.
11. After the day named in such notice, Court may authorize by warrant domiciliary visits in places therein specified, &c.
12. As to the execution of such warrants.
13. Court may summon and examine on oath persons certified to have been absent from their dwellings, and may imprison any person convicted thereof who cannot satisfactorily account for the same.
14. Giving false information or obstructing execution of warrant.
15. Lord Lieutenant may order sums necessary for remuneration of chairman under this Act to be advanced out of the Consolidated Fund; such advances to be repaid by grand jury presentment.
16. Construction of terms.
17. Duration of Act.

By this Act,

After reciting that heinous and systematic outrages and disturbances of the peace have from time to time prevailed in parts of Ireland, and that it is expedient to provide for the speedy and effectual prosecution and suppression of such offences,

It is Enacted,

1. That it shall and may be lawful to and for the Lord Lieutenant of Ireland, by and with the concurrence of His Majesty's Privy Council in Ireland, from time to time, as occasion shall require, to order and direct that an Extraordinary Court of General Sessions of the Peace shall be holden in and for any county in Ireland, at such place or places therein, and at such times as such Lord Lieutenant and Council may deem proper; and such Lord Lieutenant shall thereupon nominate and appoint one of His Majesty's serjeants or counsel to preside at any such sessions or any adjournment thereof, and act as chairman and such serjeant or counsel, so long as he shall continue to hold the said office, shall, without further appointment or nomination have all the powers of a Justice of the Peace, and be to all intents and purposes a Justice of the Peace in, of, and for the county in which such Extraordinary Court of Sessions of the Peace shall be holden, and shall receive such sum, not exceeding 10*l.* 10*s.* for each day during which he shall be so engaged, as to such Lord Lieutenant shall seem fit.

2. That each such Court shall have and exercise all rights, powers, jurisdictions, privileges, authorities, functions, capacities appertaining, incident, or belonging to any Court of oyer and terminer and general gaol delivery, or Court of General Quarter Sessions of the Peace, provided that no person shall be indicted or tried before such Court.

rendering the person convicted thereof liable to the punishment of death; and that every Justice of the Peace, coroner, of the crown, and clerk of the peace, and other person who may have any recognizance, information, inquisition, examination, deposition, or other document which would have been returnable to the next Court of oyer and terminer and general gaol delivery or general or quarter sessions for the same county, shall return the same to the said Extraordinary Court holden in pursuance of such order and direction, if relating to any offence or matter cognizable by such Court; and that sheriffs, clerks of the crown and of the peace, constables, and other officers, bound to attend at any sessions of the peace or assizes, shall be in like manner bound to attend at such Courts to be holden under the provisions of this Act, and obey the orders thereof.

That all prosecutors, traversers, offenders, witnesses, and others, who shall be bound by recognizance or otherwise to appear at any ordinary sessions of the peace or assizes, or other court of criminal jurisdiction for such county, shall, upon being served ten days previous to the holding of such Extraordinary Court of Sessions with a notice or summons on behalf of His Majesty, either personally, or by leaving the same at his, her, or their usual or last place of abode, attend at such Extraordinary Court of Sessions, and prosecute, abide trial, appear, or give evidence at the same, in like manner as any such person would be bound to do at any Court specified in any such recognizance, or at which such person would be otherwise bound to appear; and in case of default of any such person in that behalf, such person, and every surety for him, shall be liable to a breach of such recognizances in like manner as if the condition thereof had been violated by a like default with respect to the Court specified therein; but if the person bound in such recognizance shall appear at such Extraordinary Court to be tried under this Act, and shall prosecute, abide trial, give evidence, or be ready to give evidence before the grand jury and the trial, as the case may be, then the said recognizances shall be discharged in like manner as if the condition thereof had been fulfilled according to the terms thereof.

Provided, That the clerk of the peace for the county in which any such Extraordinary Court of Sessions shall be directed to be holden under the authority of this Act shall cause the time and place appointed for holding the same to be notified in the manner of notifying the holding of General or Quarter Sessions, or adjournments thereof, or otherwise as the said Lord Lieutenant shall direct; and that the necessary and proper expenses to be thereby incurred shall be raised by presentment of the grand jury at the assizes of the county, in like manner as the other expenses incurred in the discharge of the necessary and usual duties of such clerk of the peace are defrayed.

That each such Extraordinary Court of Sessions shall continue to sit, and shall adjourn from time to time and place to place as may be convenient, until such day as shall be specified for the termination thereof in and by a like order to be made by the said Lord Lieutenant of Ireland in council; and that for the purposes of each such session, and during the continuance thereof, such precepts, writs, warrants, processes, and other means for enforcing the attendance thereof of grand jurors, witnesses, traversers, offenders, and other persons, shall and may be issued and returned, and juries impanelled, in like manner as in ordinary cases of proceeding at any court of criminal jurisdiction: Provided always, that the names of persons returned to serve on the grand jury at any such session shall be taken from the "Special Jurors List" of such county.

That no traverse in prox. shall be received or allowed at any such court, but that every person charged with any offence shall plead forthwith, and the trial be directly proceeded upon, unless the Court shall, upon sufficient matter disclosed in evidence, think fit in its discretion to postpone such trial according to the course of any Court of oyer and terminer, general gaol delivery, or general or quarter sessions, either to any subsequent sitting or adjournment of such Extraordinary Court, or to the next Court of oyer and terminer and general gaol delivery, or general or quarter sessions of the peace, or adjournment thereof for the same county.

That no proceeding of or at any Extraordinary Court of general sessions holden under the authority of this Act shall, after trial and judgment, be removed into His Majesty's Court of King's Bench by writ of certiorari or otherwise.

That any person not duly authorized by law to keep fire-arms who shall be found, between sunset and sunrise, with any loaded or other offensive weapons in his possession, in any place save his own dwelling house, or any person not duly authorized by law to keep fire-arms who shall be found, at any hour of the day or night, with any loaded or concealed fire-arms or other offensive weapon, within any county in which any court holden under this Act shall be then acting, shall be deemed guilty of a misdemeanor.

Reciting that infractions of the law and violations of the public peace are frequently contrived and committed by nocturnal assemblies of disorderly persons, and it is desirable to provide under proper regulations some check to such meetings:—

It is Enacted,

That if the grand jury impanelled at any such sessions to be holden under this Act shall make a presentment to the effect that a necessity exists for taking measures to suppress nocturnal meetings, such presentment shall be transmitted by the clerk of the peace to the said Lord Lieutenant, together with the opinion of the court thereon; and it shall and may be thereupon lawful for the said Lord Lieutenant, with the advice of His Majesty's Privy Council, to authorize and direct such Court to issue a notice to the inhabitants of such county, or any part thereof, or of any adjacent county to be specified therein, to be made and returned within their respective lodgings and habitations at all hours between one hour after sunset and sunrise, from and to such day as shall be named and specified therein for that purpose, and warning them that all persons who may be found absent from their respective habitations during such hours, save upon some lawful and proper occasion, will be liable to be punished as guilty of an offence under the provisions of this Act; and such notice shall be printed and posted on some conspicuous place in each town and village within each barony or half barony of such county, or if the same be a county of a town, on the principal places for posting notices within the same.

That any male person who shall be between one hour after sunset and sunrise, at any time after the day specified in any notice, abroad in any field, road, or elsewhere out of his habitation or lodging, within any county or district specified

in such notice, save upon some lawful and proper occasion, shall be deemed to be guilty of a misdemeanor; and that any magistrate or constable of police who shall find any person so abroad, within such hours and within such county or district at his discretion, have power and authority to apprehend such person; and he shall be committed and detained until he is less held to bail by some person thereto authorized.

xI. That at any time after the day named and specified in such notice it shall be lawful for the Court at any such place to issue a warrant, signed by the chairman thereof, and countersigned by the clerk of the peace, and directed to one or more magistrates or magistrates, chief constable or chief constables of police, authorizing him or them, at any time from after sunset until sunrise, to demand and require that any or every person being an inhabitant or inmate of any house or building within the county or district specified in such notice shall come forth and shew himself or themselves; and if a person shall not so come forth and shew himself within ten minutes after he shall be so required he shall be deemed to be absent, and shall be certified in writing to be so to the said Court by the person or persons by whom he may have been required to appear; and every owner of any house within such district shall, within twenty-four hours after he shall be required by any magistrate or chief constable so to do, deliver to such magistrate or chief constable a list of the names of all inmates or inhabitant in his house; and every such owner who shall neglect or refuse so to do shall forfeit for every such neglect or refusal a sum not exceeding 10s. on conviction before a magistrate in a summary manner for such neglect or refusal, and in default of payment, on demand, of the sum so forfeited, may be imprisoned for any term not exceeding one month, and the amount of the sum so forfeited shall and may be levied by a sale of his goods and chattels in case he shall be so imprisoned.

xII. Provided, That no such warrant as aforesaid shall be executed or proceeded upon in any county out of the jurisdiction of such Court, unless the same shall be indorsed by one or more of the magistrates of such adjacent county.

xIII. That it shall be lawful for the Court to which such certificate shall be returned to summon and require all persons thereby certified to have been absent from their respective dwellings to appear before such Court, and for such Court to require such persons or any other person who may be produced before them upon oath as to such absence and the cause thereof; and if it shall be proved that any such person was duly required to appear by the person or persons so authorized as aforesaid, and if any such person so summoned shall not appear before such Court, or if, upon such examination, the non-compliance of such person with the demand of the person or persons so authorized as aforesaid shall not be explained to the satisfaction of such Court, or if it shall appear to such Court that such person was so absent from his dwelling as aforesaid without some lawful proper cause or occasion, such person shall be deemed to be guilty of an offence within this Act, and the Court shall have power to convict him summarily thereof, and, in case of a first offence, to commit him to such place of confinement within the county or district as such Court shall think proper for any period not exceeding one month, or to impose upon him a fine not exceeding 5s. or both, and for any subsequent offence to award a like imprisonment for a period not exceeding three months, or a fine not exceeding 5s., or both, and also to that order that the party convicted shall give security for his good behaviour for twelve calendar months, or in default thereof be liable to an additional imprisonment for any term not exceeding one month.

xIV. That any person who shall knowingly give false information to any person authorized by such warrant, or shall aid or abet any person acting thereunder in the execution thereof, after notification of the object and nature thereof, shall be deemed to be guilty of a misdemeanor.

xV. That it shall and may be lawful for the Lord Lieutenant of Ireland, by his warrant, to direct to be issued, and to be produced of the Consolidated Fund arising in Ireland, such sums of money as may be necessary for the remuneration of His Majesty's serjeants or counsel appointed under the authority of this Act; and that on the production to the grantor of the assizes of any county of the certificate of the chief or under secretary of the said lieutenant of the amount of the remuneration advanced and issued in respect of the remuneration of such serjeant or counsel so employed within the same county, the grand jury shall present the same to be levied off the county at large, and such money, when levied, shall be paid to the collector of Excise of the district within which such county may be situate, to be by him accounted for in like manner as other moneys.

xVI. That in the interpretation of this Act the words "Lord Lieutenant of Ireland" shall extend to and include the Justices or other chief governor or governors of Ireland for the time being; and the word "County" shall extend to include any riding, or county of a city, or county of a town, or city and county; and every word importing the singular number shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male; save and except where, in the use of any expression as aforesaid, the nature of the provision or the context shall exclude such construction.

xVII. That this Act shall continue and be in force for five years from and after the passing thereof, and no longer, unless it be altered or repealed during this present session of Parliament.

CAP. XLIX.

AN ACT for continuing, until the First Day of June One thousand eight hundred and thirty-six, several Acts for regulating the Turnpike Roads in Great Britain which will expire on the First Day of June One thousand eight hundred and thirty-six or with the next Session of Parliament.

(31st August 1835)

CAP. L.

ACT to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*.

(31st August 1835.)

ABSTRACT OF THE ENACTMENTS.

repeal of 6 Geo. 1. c. 6, in part, except as to London.—18 Geo. 2. c. 33, except as to London.—24 Geo. 2. c. 43, in part, except as to London.—30 Geo. 2. c. 22, except as to London.—13 Geo. 3. c. 78.—34 Geo. 3. c. 64.—34 Geo. 3. c. 74.—Part of 42 Geo. 3. c. 90.—44 Geo. 3. c. 52.—54 Geo. 3. c. 109, and 55 Geo. 3. c. 68.

to revive repealed Acts.

to the recovery of penalties incurred for offences against Acts repealed.

surveyor to continue until a surveyor is appointed.

interpretation clause.

surveyor to be elected annually.—May be re-elected.

qualification of surveyor.

penalty on surveyor not acting when chosen.

surveyor may be appointed with a salary.

surveyor, on verifying his accounts, to name his successor.

power to Justices in certain cases to appoint a surveyor.

parish is situate in more than one county.

Justices may direct application to be made to Justices at sessions for forming them into districts.

Justices at sessions may unite such parishes into districts, and select and appoint a district surveyor.

names of parishes and of district surveyor to be recorded, and a copy thereof sent to each churchwarden, &c.—Parishes when united to form a district for three years and until twelve months after any one parish shall give notice of intention to cease to form one of said district.

district surveyor to have power, &c. of surveyor, except in levying rate.—Salary of district surveyor how to be paid.

when parishes are united, a surveyor to be appointed to make rate, &c.

appointment of a board directing repairs in large parishes.—Powers of the board.

board may hire or purchase premises.

penalty on surveyor, &c. for neglect of duty.

repair of highways adjoining bridges hereafter to be built.—Raised causeways, &c.

orders for getting materials and preventing nuisances to extend to county bridges and roads at the ends thereof.

new highways are to be kept in repair by parishes.—Proviso.

election posts, where and how to be erected.

right to use adjoining ground as a temporary road.

surveyor to remove snow, &c.

surveyor to make rate.—Rate to be allowed by Justices.

surveyor may inspect rate book, and obtain copies or extracts.

rate and amount of rate.

surveyor to have power to enforce composition in certain parishes.

variations in rates may be rectified.

persons may be excused by Justices from payment of highway rate.

persons not liable to payment of highway rate.

how to be recovered.

surveyors may divide among themselves the conveyance of stone, &c. for repair of highways, which shall be paid for by the parishes.

surveyor, with consent of vestry, may appoint collector of rates.

penalty to be taken from collector.

surveyor to make out accounts of all monies received under this Act, &c.

accounts to be kept.

surveyor to keep books, and account of monies received, &c.; to be open to inspection of rated inhabitants.

property in all books, &c. to be vested in surveyor for the time being.

surveyor, on quitting office, to deliver books, &c. to succeeding surveyor.—Penalty for neglect.

estate of death of surveyor, executors to account.

surveyors' accounts to be made by surveyors, &c. and laid before the Justices at a special sessions for the highways.—Subject to special.

—Surveyors appointed under the Act of 13 Geo. 3. to pass their accounts at special sessions after 25th March 1834.

Justices to hold special sessions for purposes of this Act.—At such sessions surveyor to verify accounts, and make returns of the state of the roads, &c.

surveyor may contract for getting and carrying materials; but not to share in any contract, or let to hire any team, or dispose of any timber, stones, &c. without licence from two Justices.—Penalty.

penalty on taking away materials belonging to surveyor.

materials allotted to the parish for materials, when exhausted, may be sold.

surveyor for life, &c. may renounce damages.

50. *Persons enfeoffed with land for maintenance of highways, &c. shall let them to farm at the most improved value, with consent of Justices.*
51. *Materials where and in what manner to be taken by surveyors.—Power to gather stones without making satisfaction, but satisfaction to be made for damages done by carrying them away.*
52. *Not to extend to sea beach, &c.*
53. *Notice to be given before materials are taken from private lands.—If the occupier shews cause against the removal, two Justices shall decide thereon.*
54. *If sufficient materials cannot be found in waste lands, &c., surveyor may take them from the several or inclosed lands or elsewhere, making satisfaction to the owners.*
55. *If surveyor shall make pits or holes in getting materials, he shall cause them to be filled up or sloped down and fenced off in like manner all those already made.—Penalties on surveyor for neglect herein.*
56. *Penalty on surveyor allowing any heap of stone, &c. to remain on highway at night.*
57. *Surveyor damaging mills, dams, &c. by digging materials, to forfeit not exceeding 5*l*.*
58. *Where a highway lies in two parishes, the Justices to determine what parts shall be repaired by each.—Proviso in case of way repaired by party, *ratione tenuræ*, &c.*
59. *Parishes, &c. bound to repair the part so allotted.*
60. *How costs of proceedings shall be defrayed, &c.*
61. *Boundary of counties, &c. not to be changed, except for the purpose aforesaid.*
62. *Highway repaired by party, *ratione tenuræ*, &c. may be made a parish highway.*
63. *What shall be deemed the centre of the highway.*
64. *No tree, &c. allowed to be planted within 15 feet of the centre of the carriage way.*
65. *Mode of proceeding if highway is prejudiced by hedges, &c.*
66. *Time of cutting hedges and trees.*
67. *Surveyor to make and keep open ditches, &c., and to lay trunks, &c. through lands adjoining highway, paying for damages incurred.*
68. *Owner, occupier, &c. not to alter such ditches, without consent.*
69. *Penalty for encroaching on highway.—Encroachment to be taken down by surveyor.*
70. *Steam-engines, &c. not to be erected within a certain distance of roads.*
71. *Proprietors of railways to erect gates, &c. where they cross highways.*
72. *Penalty on persons committing nuisances by riding on footpaths, &c.; by injuring the road; by damaging banks, causing direction posts, milestones, &c.; by making fires; by baiting bulls; by laying timber, &c., by running of filth.*
73. *Matters laid on or near highway, so as to be a nuisance, to be removed on notice; or on failure, surveyor to dispose of them by order of a Justice.*
74. *Surveyor to impound cattle found straying on highways until the penalty herein imposed and the charges are paid.—Limit the extent of Penalty.—Right of pasturage not taken away.*
75. *Punishing persons guilty of pound-breach.*
76. *Names of owners to be painted on all waggons, &c. in the manner herein mentioned.*
77. *One driver may take charge of two carts, provided they are drawn only by one horse each.*
78. *Drivers of waggons or carts not to ride thereon unless some other person guide them.—Drivers causing hurt or damage by quitting the road, or driving carriage without owner's name, or not keeping the left or near side, or intercepting traffic, &c., if not the owner to forfeit 20*s*.; if he be the owner, 40*s*.—Proceeding if driver will not discover his name.*
79. *For securing unknown offenders.*
80. *Cartways to be twenty feet wide, horseways eight feet, and footways three feet.*
81. *Width of gates across public cartways and horseways.*
82. *Justices may order narrow highways to be widened.—Surveyor to agree with owners of lands for recompence, and if they agree the same may be assessed by a jury at the quarter sessions.—On payment of money assessed, ground to be deemed highway.—Where there is not money sufficient, a further rate may be made, by order of the Justices at their quarter sessions, not exceeding one third of rate.*
83. *Costs of proceedings, by whom payable.*
84. *Previous to a highway being stopped up, &c. surveyor to request Justices to view the same.*
85. *Proceedings for diverting, &c. certain highways, and stopping up unnecessary highways.*
86. *As to stopping up more than one highway connected together.*
87. *Court may confirm order for so doing wholly or in part.*
88. *Persons who may think themselves aggrieved if such highway should be ordered to be stopped up, &c. may appeal.*
89. *In case of appeal, jury at sessions to determine whether new highway is nearer, &c.*
90. *Costs to be awarded in appeal against stopping up, &c. highway.*
91. *If no appeal be made, or if dismissed, sessions to make order for diverting, &c. and the old ways may be stopped.—New ways shall afterwards continue a public highway, &c.*
92. *Party liable to repair of old highways to repair new highways.*
93. *Provisions as to widening of a highway to extend to all highways which persons are bound to repair *ratione tenuræ*, &c. and as to fix annual or other amount payable by party previously bound to repair.*
94. *Mode of proceeding before Justices if highway is out of repair.—In what cases Justices cannot interfere.*
95. *Mode of proceeding if obligation to repair is disputed.*
96. *Fines, penalties, and forfeitures how to be levied and applied.*
97. *Justices empowered to award costs to defendant, where information, &c. is withdrawn or dismissed.*

* This marginal note, as printed in the statute, is inaccurate, as the forfeiture imposed in the body of the clause is this sum not exceeding 5*l*. if not the owner, and if the owner not exceeding 10*l*."

Court may award costs to the prosecutor.

No presentment against inhabitants for highway being out of repair.

Inhabitants and officers in parishes may give evidence.

Justices may proceed by summons in the recovery of penalties.

Compelling witnesses to attend and give evidence.

Forfeitures, costs, and charges may be levied by distress and sale.—Application of penalties.

Satisfaction recoverable for special damage; but distress not to be deemed unlawful for want of form in the proceedings.

Appeal may be made to Quarter Sessions against rate, &c.

Provisions of 41 Geo. 3. c. 25. applicable to this Act.

Rates and proceedings not to be quashed for want of form.

In a case of appeal, sessions may grant a special case.

Limitation of actions.—Defendant may plead the general issue.—Costs.

Amount of fees.

Expenses for defending prosecutions agreed upon at a vestry meeting, how to be paid.

Limiting powers of 37 Geo. 3. c. 29.

Not to extend to turnpike roads, or to roads under local acts.

Not to affect the universities;

For the rights and liberties of the city of London;

For the Act 1 Geo. 4. c. 7.

Powers of commissioners of sewers not abridged.

Concerning the forms of proceedings.

Commencement of Act.

Act may be altered this session.

By this Act,

reciting that it is expedient to amend the laws relating to highways in that part of Great Britain called England, and to consolidate the same in one Act, and to make other provisions respecting highways:—

It is Enacted,

That so much of an Act, 6 Geo. 1. c. 6, intituled, 'An Act for preventing the Carriage of excessive Loads of Meal, Bricks, and Coals within Ten Miles of the Cities of London and Westminster,' as relates to the carriage of bricks, so far as the same relates to the city of London; and also an Act, 18 Geo. 2. c. 33, intituled, 'An Act to repeal a made in the Third Year of the Reign of King William and Queen Mary, relating to Carts used by Persons inhabiting the Limits of the Weekly Bills of Mortality, and to allow such Carts to be drawn with Three Horses, and to prevent the Misbehaviour of the Drivers of Carts in Streets within the said Limits,' except so far as the same relates to the city of London; and also so much of an Act, 24 Geo. 2. c. 43, intituled, 'An Act for the more effectual Preservation of the Turnpike Roads in that Part of Great Britain called England, and for the Disposition of Penalties given by Acts of Parliament relating to Highways in that Part of Great Britain called England, and for enforcing the Recovery thereof; and for the more effectual preventing the Mischiefs occasioned by the Drivers riding upon Carts, Drays, Carres, and Waggon in the City of London and within Ten Miles thereof,' as relates to the preventing mischief occasioned by the drivers riding upon carts, drays, and waggon in the city of London or within ten miles thereof, except so far as the same relates to the city of London; and also an Act, 30 Geo. 2. c. 23, intituled, 'An Act to explain and amend an Act made in the Eighteenth Year of His Majesty's Reign, to prevent the Misbehaviour of the Drivers of Carts in the Streets in London, Westminster, and the Limits of the Weekly Bills of Mortality, and for other Purposes in this Act mentioned,' except so far as the same relates to the city of London; and also an Act, 13 Geo. 3. c. 78, intituled, 'An Act to explain, amend, and reduce into One Act the Statutes now in being for the Amendment and Preservation of the public Highways within that Part of Great Britain called England, and for other Purposes;' and also an Act, 34 Geo. 3. c. 64, intituled, 'An Act for the more effectual repairing of such Parts of the Highways of this Kingdom as are to be repaired by Two Parishes;' and also an Act, 35 Geo. 3. c. 74, intituled, 'An Act for varying some of the Provisions in an Act of the Thirteenth Year of His present Majesty, respecting the public Highways within that Part of Great Britain called England, which relate to the Performance of Statute Duty;' and also so much of an Act, 42 Geo. 3. c. 90, intituled, 'An Act for amending the Laws relating to Militia in England, and for augmenting the Militia,' as relates to the exemption of any serjeant, corporal, drummer, or private of the Militia from performing highway duty, commonly called statute duty; and also an Act, 44 Geo. 3. c. 52, intituled, 'An Act to alter and amend so much of an Act passed in the Thirty-fourth Year of His present Majesty as relates to the amount of the Sums to be paid by Persons compounding for the Performance of Statute Duty;' and also an Act, 54 Geo. 3. c. 11, intituled, 'An Act to amend an Act of the Thirteenth Year of His present Majesty, to explain, amend, and reduce into One Act the Statutes now in force for the Amendment and Preservation of the public Highways within England, and for other Purposes;' and also an Act, 55 Geo. 3. c. 68, intituled, 'An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against a stopping up or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads;' and the same are hereby repealed.

Provided, That nothing herein contained shall extend or be construed to extend so as to revive or give any force or effect to any Act repealed by the said recited Acts or any of them, but such Acts shall be and continue repealed in such and the same manner as if this Act had not been made.

Provided, That nothing herein contained shall extend or be deemed or construed to interfere with any acts done or to be done, or agreements heretofore made under the authority of any of the said recited Acts, or to extend to prevent the suing or recovery of any penalty incurred by any offence committed against the provisions of the said recited Acts or any of

them previous to the repeal of the said Acts in and by this Act, or to prevent or defeat any prosecution commenced or brought for such offence; but all penalties and forfeitures incurred may be sued for and recovered, and all contracts and agreements may be enforced, and all encroachments, nuisances, and other offences made or committed previous to the repeal of the said Acts, against the provisions of the said Acts or any of them, may be abated or prosecuted by the surveyor appointed under this Act, in the same manner to all intents and purposes as if this Act had not been passed.

iv. Provided, That the surveyor appointed under the authority of any of the said recited Acts shall continue to act until he shall have the same powers, authorities, and be subject to the discharge of the same duty, and be liable to the same penalties as the surveyor to be appointed under the authority of this Act, until such appointment shall have been made.

v. That in the construction of this Act the word "Surveyor" shall be understood to mean surveyor of the highways; the word "Parish" shall be construed to include parish, township, tithing, rape, vill, wapentake, division, borough, liberty, market town, franchise, hamlet, precinct, chapelry, or any other place or district maintaining its own highways; and wherever anything in this Act is prescribed to be done by the inhabitants of any parish in vestry assembly the same shall be construed to extend to any meeting of inhabitants contributing to the highway rates in places where there be no vestry meeting, provided the same notice shall have been given of the said meeting as would be required by law for assembling of a meeting in vestry; and that the word "Highways" shall be understood to mean all roads, bridges (not county bridges), carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements; that the word "Justices" shall be understood to mean Justices of the Peace for the county, riding, division, shire, city, borough, liberty, or place in which the highway may be situate or in which the offence may be committed; and that the word "Church" shall be understood to include chapel; and that the word "Division" shall be understood to include limits; and that the word "Owner" shall be understood to include occupier; and "Inhabitant" to include any person rated to the highway rate; and the words "Petty Session" or "Petty Sessions" to mean the petty session or petty sessions held for the division or place; and wherever in this Act, in describing or referring to any person or party, animal, matter, or thing, the importing the singular number or the masculine gender only is used, the same shall be understood to include and extend to several persons or parties as well as one person or party, and females as well as males, and several animals, matters, or things as well as one animal, matter, or thing, respectively, unless there be something in the subject or context repugnant to such construction; and all the powers hereby given to, and notices, matters, and things required for, and duties, liabilities, and forfeitures imposed on, surveyors, shall be applicable to all persons, bodies politic or corporate, liable to the repair of the highway.

vi. That the inhabitants of every parish maintaining its own highways, at their first meeting in vestry for the nomination of overseers of the poor in every year, shall proceed to the election of one or more persons to serve the office of surveyor of the said parish for the year then next ensuing: Provided always, that any outgoing surveyor shall continue to act until his successor shall be appointed, and shall be re-eligible, and may be re-elected, and shall in such case continue to act and repair the office, anything herein contained to the contrary notwithstanding; and in such case notice of such election shall be given by the chairman to the person elected and to the outgoing surveyor: Provided always, that in any parish where there be no meeting in the year for the nomination of overseers of the poor, the inhabitants contributing to the highway rate shall at their usual place of public meeting upon the 25th of March, or if that should happen to be a Sunday or Good Friday, on the day next following, or within fourteen days next after the said 25th of March in every year, to elect one or more persons to serve the office of surveyor for the said parish; which surveyor shall repair and keep in repair the several highways of the said parish for which he is appointed, and which are now or hereafter may become liable to be repaired by the said parish.

vii. That any person living within the parish or any adjoining parish, and having an estate in houses, lands, tenements, or hereditaments lying within such parish, in his own right or in right of his wife, of the value of 10*l.* by the year, or a portion of the value of 100*l.* (such person not living within the parish being willing to serve the office), or being an owner or tenant of houses, lands, tenements, or hereditaments (whether resident within the parish or within any adjoining parish) the yearly value of 20*l.*, shall be eligible to be elected a surveyor for the purposes of this Act: Provided nevertheless, that no person who is now exempted by law from serving the office of overseer of the poor shall be compellable to serve the office of surveyor: Provided also, that any person who may be chosen and elected to serve the said office of surveyor may provide a sufficient deputy, such deputy to be approved of by the Justices at a special sessions for the highways, who shall by their hands testify their consent thereto.

viii. That if any person who shall be so chosen and elected, and who is not exempt as aforesaid from serving the said office shall refuse or neglect to take upon himself the office of surveyor, or to provide a sufficient deputy, to be approved of as aforesaid, he shall forfeit, on conviction before any two Justices, any sum not exceeding 20*l.*, unless he can shew to the said Justices good and sufficient cause why he should not be called upon to serve the said office: Provided also, that every deputy provided and approved of shall have the same powers and authorities, and be subject to the discharge of the same duty, and be liable to the same penalties as any surveyor appointed under the authority of this Act.

ix. That, instead of electing such surveyor as hereinbefore mentioned, it shall be lawful for the majority of the inhabitants so assembled as aforesaid in any parish for the election of surveyors as aforesaid to nominate and elect any one person of age and experience to serve the said office of surveyor of such parish, and to fix such salary for the execution of such office as they shall think fit; which said appointment shall be in writing on paper without stamp, and signed by the chairman of such assembly; and such surveyor, when so appointed, shall be invested with the same powers, and subject to the same duties, liabilities, and penalties as any surveyor appointed under the authority of this Act would have been; and such salary shall be paid out of the money raised under the authority of this Act, at such times and in such manner as shall have been agreed between the inhabitants so assembled as aforesaid and the person so nominated and elected as aforesaid: Provided nevertheless, that if such surveyor shall cease to act, and be dismissed in the manner hereinafter described, such salary shall in the like manner cease and determine.

That the surveyor or surveyors, at the time of passing his or their accounts as herein mentioned, shall deliver to the Justices in writing of the name and residence of the person appointed to succeed him or them as surveyor or surveyors.

That in case it shall appear on oath to the Justices at a special sessions for the highways that the inhabitants of any parish have neglected or refused to nominate and elect a surveyor or surveyors in manner and for the purposes aforesaid, or that an outgoing surveyor, except he had been directed by the inhabitants so to do, has delivered no statement of the name and residence of his or their successor or successors, or that the surveyor is dead, or has ceased to possess the qualification, or has become disqualified in any manner herein mentioned, or that he has neglected to act, or refused to carry into operation the duties imposed upon him by this Act, it shall and may be lawful for such Justices, and they are hereby authorized, by writing under their hands, at their next succeeding special sessions for the highways to dismiss such surveyor neglecting to act or refusing to carry into operation the duties imposed upon him by this Act, and to appoint any person they may think fit to be a surveyor for such parish till the annual meeting then next ensuing for the nomination of overseers for the election of surveyors as aforesaid, and with or without such salary, as to the said Justices shall seem fit and meet, and the said surveyor, when so appointed, shall be invested with the same powers, and be subject to the same duties, fines, and penalties as any surveyor elected by the inhabitants of any parish as aforesaid would have been.

That when a parish is situated in more than one county, division, or liberty, the surveyor so to be appointed as last aforesaid shall be appointed by the Justices at a special sessions for the highways assembled in that county, division, or liberty in which the church of the said parish shall be situate.

That after reciting that it is expedient that in many cases parishes should be formed into districts for the purpose of having a sufficient person to be the district surveyor, who should have the superintendence and management of the funds to be levied under the provisions of this Act in each parish forming part of such district :—

It is Enacted,

That it shall and may be lawful for the inhabitants of any parish in vestry assembled, if they shall think fit, to empower one of the churchwardens of such parish, or the chairman of the said vestry, to make application to the Justices assembled at the Quarter Sessions for the county, or, where the parishes to be united shall be situated in the same division, at special sessions for the division in which such parish shall be situate, for the purpose of being united with one or more parishes to form a district for the purposes aforesaid, and at the same time to nominate one fit and proper person to be appointed to the said Justices to be appointed as such district surveyor, together with the amount of the yearly salary which the inhabitants in such vestry assembled shall agree to pay to such district surveyor; which application, with the name of the last-mentioned person shall be forthwith made in writing, signed by the churchwardens of the said parish, or by the chairman of the said vestry as aforesaid, and forwarded to the clerk of the peace in and for the said county, or to the clerk of the peace in and for the said division, as the case may be, who shall lay the same before the Justices at the Quarter Sessions to be holden in and for the said county, or at the special sessions as aforesaid.

That on such application as aforesaid being made by two or more parishes to the said Justices, they are hereby authorized to send the said Quarter Sessions or at some special sessions as aforesaid to take the same into their consideration, and to resolve and so many of the parishes so applying as aforesaid, as they shall think fit, into a district or districts for the purposes of this Act; and the said Justices shall select and appoint out of the persons so nominated as aforesaid by the several parishes so united into one district one fit and competent person to be the surveyor for such district composed as aforesaid, and his appointment shall be in writing.

That the names of the said parishes so united, and the name of the person so appointed as district surveyor, shall be made in writing, signed by the chairman of the said Quarter Sessions, or by the majority of the magistrates present at the said sessions, and shall be transmitted by him or them to the clerk of the peace, who shall lay the same before the Justices assembled at the Quarter Sessions in and for the said county, or at some adjournment thereof, who are hereby authorized and required to cause the same to be enrolled with the records of the court; and a copy thereof shall be sent by such clerk of the peace to each of the churchwardens or the surveyor of each of the said parishes so united; and such parishes so united shall continue to form a district for the purposes of this Act for the space of three years then next following, and from year to year until the churchwarden of any one of the said parishes so united, or the chairman of the vestry, shall, by direction in pursuance of a resolution of the inhabitants in vestry assembled, give twelve months notice to the churchwardens or surveyor of each of the other parishes, and to the said district surveyor appointed by the said Justices, and to the clerk of the peace of the county in which the said parishes are situate, of the intention of the said parish to cease to form a part of the district; in which case, from and after the expiration of the said twelve months notice, the union of the said parishes to form a district as aforesaid, and the appointment of the said district surveyor, shall cease and determine so far as may concern the said parish so giving such notice as aforesaid.

That such district surveyor when so appointed shall for all the purposes of this Act, except the making, assessing, and levying the rate in and by this Act authorized to be made, assessed, and levied, have, as far as the same are applicable, the same powers, and be subject and liable to the same duties, penalties, and forfeitures, as any surveyor elected under the provisions of this Act is invested with and liable to, and shall have the laying out and application of all the funds raised and levied under the authority of this Act: Provided nevertheless, that such district surveyor shall not expend any monies levied in any parish or parishes so united except for the use and benefit of the parish in which it is so levied, unless with the consent of the inhabitants of such parish in vestry assembled, for the purpose of carrying on repairs or beneficial improvements under the provisions of this Act for the common benefit of the said united parishes; and such district surveyor shall annually receive out of the parishes composing his district respectively such salary as shall have been agreed upon by the several parishes so aforesaid, which salary shall be paid to such district surveyor by the surveyor of the highways, out of the money raised by each of such parishes under the authority of this Act; and in case of non-payment thereof, the same shall be recoverable from the surveyors of the highways of such parishes, to and for his own use, in the same manner as any forfeiture is recoverable under this Act.

xvii. That in each of the parishes so united into a district as aforesaid a surveyor shall be elected, as herein mentioned, in addition to the district surveyor so appointed as aforesaid: Provided nevertheless, that such surveyor shall only be authorized to make, assess, and levy the rate herein directed to be made, assessed, and levied, and from time to time to apply over the money arising therefrom to such district surveyor.

And after reciting that it is expedient in large and populous parishes that the repairs of the highways should be under the direction and controul of a certain number of inhabitants, to be chosen and appointed as a board for that purpose, with such powers:—

It is Enacted,

xviii. That in any parish where the population by the then last census, taken from the returns made to Parliament, was not less than five thousand, if it shall be determined by a majority of two-thirds of the votes of the vestrymen at such meeting as aforesaid, to form a board for the superintendence of the highways of the said parish, and for the purpose of carrying the provisions of this Act into effect, it shall be lawful for the said vestry to nominate and elect any number of persons, not exceeding twenty nor less than five, being respectively householders and residing in and assessed to the rate for the poor of the said parish, and also liable to be rated to the repair of the highways in the said parish under and by this Act, to serve the office of surveyors of the highways for the year ensuing; and such persons so to be nominated and elected as such surveyors or any three of them, shall and are hereby authorized to act as a board, and to be called "The Board for Repair of the Highways in the Parish of _____" (as the case may be), and to carry into effect the powers, authorities, and directions in this Act contained; and such board are hereby authorized to appoint a collector, or any number of collectors, of the rates to be made under the authority of this Act, and also to employ a person of skill and experience as an assistant surveyor to the said board, and also a clerk to attend the said board, and to keep the accounts and minutes of the proceedings thereof; such assistant surveyor and clerk to be paid such reasonable salaries out of the said rates as the said board shall determine; and upon such board being so nominated and elected as aforesaid all and every the powers, authorities, and directions given and created by this Act, and granted to or vested in the vestry, and in any person or persons as surveyors for the purposes of the parish so nominating and electing such board, be and the same are hereby declared to be vested in the said persons so to be elected, or any three of them acting as such board as aforesaid; and such persons, or any three of them, at a meeting to be convened for that purpose, may and they are hereby authorized to nominate and appoint a fit and proper person to be treasurer for the deposit of the monies to be collected for the purposes of this Act, and to take from such person and sufficient security for the monies to be deposited in his hands as aforesaid; and all monies to be drawn by the treasurer for the purposes of this Act shall be drawn by drafts or cheques to be signed by the said persons so to be nominated and elected as aforesaid, or any three of them, at some one of their meetings to be held under this Act, and such drafts or cheques respectively signed and entered in their books by the said clerk to be appointed as aforesaid: Provided always, and it is hereby declared, that upon the expiration of the year for which such board shall be elected as aforesaid, and before or on the day of the nomination and election of persons as surveyors under the authority of this Act, the said board shall and are directed to present to the vestry of the parish for which they shall have acted copies of all their accounts and minutes of their proceedings during the preceding year.

xix. That it shall and may be lawful to and for such board to rent, or with the consent of the vestry of any parish, a fit and convenient piece of ground or other premises for the keeping of the implements and materials necessary for the repair of the highways, or for the preparing the materials for the same respectively, and to determine and direct in what manner the highways in the said parish, or any or either of them, or any and what part or parts thereof, shall be repaired or paved with stone or otherwise.

xx. That if any surveyor or district surveyor or assistant surveyor shall neglect his duty in anything required by this Act, for which no particular penalty is imposed, he shall forfeit for every such offence any sum not exceeding five pounds.

xxi. That if any bridge shall hereafter be built, which bridge shall be liable by law to be repaired by and at the expense of any county or part of any county, then and in such case all highways leading to, passing over, and next adjoining the said bridge shall be from time to time repaired by the parish, person, or body politic or corporate, or trustees of a turnpike road, who were by law before the erection of the said bridge bound to repair the said highways: Provided nevertheless, that the provisions herein contained shall extend or be construed to extend to exonerate or discharge any county or any part of any county from repairing or keeping in repair the walls, banks, or fences of the raised causeways and raised approaches to any such bridge, or the land arches thereof.

xxii. That the several powers and authorities hereby vested in the surveyor of highways, as well for the getting down the stones as for the preventing and removing of all nuisances and annoyances, shall be and the same are hereby vested in the surveyors of county bridges, and the roads at the ends thereof repairable therewith; and the several penalties, forfeitures, matters, and proceedings in this Act contained relating to highways shall be and the same are hereby extended and applied, as far as the same may be applicable, to such bridges, and the roads at the ends thereof as aforesaid, the said surveyor or surveyors of county bridges to be satisfied and compensated for all trespass and damage done in the execution of the powers of this Act, in such manner as the surveyors of highways are required to make under the provisions of this Act.

xxiii. That no road or occupation way made or hereafter to be made by and at the expense of any individual person, body politic or corporate, nor any roads already set out or to be hereafter set out as a private driftway or by a private person, shall be deemed or taken to be a highway which the inhabitants of any parish shall be compellable or liable to repair, unless the person, body politic or corporate, proposing to dedicate any such highway to the use of the public shall give three calendar months previous notice in writing to the surveyor of the parish of the highway so to be dedicated such highway to the use of the public, describing its situation and extent, and shall have made or shall cause to be made in a substantial manner and of the width required by this Act, and to the satisfaction of the said surveyor and the Justices of the Peace of the division in which such highway is situate in petty sessions assembled, who are hereby authorized to receive notice from such person or body politic or corporate to view the same, and to certify that such highway

in a substantial manner, and of the width required by this Act, at the expense of the party requiring such view, which shall be enrolled at the Quarter Sessions holden next after the granting thereof, then and in such case, after the said view shall have been used by the public, and duly repaired and kept in repair by the said person, body politic or corporate, the space of twelve calendar months, such highway shall for ever thereafter be kept in repair by the parish in which it is situate: Provided nevertheless, that on receipt of such notice as aforesaid the surveyor of the said parish shall call a vestry meeting of the inhabitants of such parish, and if such vestry shall deem such highway not to be of sufficient utility to the inhabitants of the said parish to justify its being kept in repair at the expense of the said parish, any one Justice of the Peace, on application of the said surveyor, shall summon the party proposing to make the new highway to appear before the Justices at the next special sessions for the highways to be held in and for the division in which the said intended highway shall be situate; and the question as to the utility as aforesaid of such highway shall be determined at the discretion of such Justices.

iv. That the surveyor of every parish, other than a parish the whole or part of which is within three miles of the General Office in the city of London, shall, with the consent of the inhabitants of any parish in vestry assembled, or by the directions of the Justices at a special sessions for the highways, cause (where there are no such stones or posts) to be erected or fixed in the most convenient place where two or more ways meet a stone or post, with inscriptions thereon in large legible characters, not less than one inch in height and of a proper and proportionate breadth, containing the name of the next market town, village, or other place to which the said highways respectively lead, as well as stones or posts to mark the boundaries of such highway, containing the name of the parish wherein situate; and that the surveyor of every parish shall, at the several entrances or entrances to such parts of any highways as are subject to deep or dangerous floods, cause to be erected gradations or posts, as he shall judge to be necessary, for the guiding of travellers in the best and safest track through the same; and also to secure horse causeways and foot causeways, by posts, blocks, or stones fixed in the ground, or by banks of earth cast up or otherwise, from being passed over and spoiled by waggons, wains, carts, or carriages; and the said surveyor shall be reimbursed, out of the monies which shall be received by him pursuant to the directions of this Act, the expenses of erecting and erecting and of keeping in repair such stones, posts, or blocks already erected or fixed, or which may hereafter be erected or fixed.

v. That it shall be lawful for the surveyor to make a road through the grounds adjoining to any ruinous or narrow part of a highway, (not being the site or ground whereon any house stands, nor being a garden, lawn, yard, court, park, paddock, plantation, planted walk or avenue to any house, or inclosed ground set apart for building ground, or as a nursery for trees,) made use of as a public highway whilst the old road is repairing or widening, making such recompense to the proprietor or proprietors of such grounds for the damages they may thereby sustain as the Justices at a special sessions for the highways shall think reasonable, such sum so awarded as a recompense to be recoverable in the same manner as any fines and damages are recoverable under this Act.

vi. That if any impediment or obstruction shall arise in any highways from accumulation of snow, or from the falling of the banks on the side of such highways, or from any other cause, the surveyor is required from time to time, and within four hours after notice thereof from any Justice of the Peace of the county in which the parish may be situate, to cause the same to be removed.

Order to raise money for carrying the several purposes of this Act into execution,—

It is Enacted,

That a rate shall be made, assessed, and levied by the surveyor upon all property now liable to be rated and assessed for the relief of the poor; provided that the same rate shall also extend to such woods, mines, and quarries of stone, or other minerals, as have heretofore been usually rated to the highways; and provided also, that every such rate shall be signed by the said surveyor, and allowed by two Justices of the Peace, and published in the same way as poor rates are now allowed to be published.

Order to enable the surveyor to form a proper judgment of any rate to be made in pursuance of this Act,—

It is Enacted,

That it shall be lawful for the surveyor, and he is hereby authorized and empowered, at all reasonable times, to enter by writing signed by him to grant authority to any person appointed by him to inspect, any of the rates made towards the relief of the poor of the parish of which he is surveyor, or the books wherein the assessments thereto shall be entered, for fee or reward; and the surveyor, or person by him authorized as aforesaid, shall be allowed to make a copy of such books, or to take any extracts therefrom; and if any person in whose custody or power any of the said rates or books shall, when thereunto required in manner aforesaid, refuse or neglect to produce the same to the surveyor, or person so authorized as aforesaid, as the case may be, or to allow such copy or extract to be made or taken, at all reasonable times of the day-time, he shall for every such offence forfeit and pay any sum not exceeding 5*l*.

That every rate shall contain the names of the occupiers, the description of the premises or property they occupy, and the annual value of such premises or property, and shall also specify the sum in the pound at which it is made; and no rate levied or assessed as aforesaid shall exceed at any one time the sum of 10*d*. in the pound, or the sum of 2*s*. 6*d*. in the pound on the whole in any one year: Provided nevertheless, that with the consent of four fifths of the inhabitants of any parish meeting at the highway rate assembled at a meeting specially called for that purpose, ten days previous notice of the same being given by the surveyor of the said parish, the rate to be levied and assessed as aforesaid may be increased to such sum as the said inhabitants so assembled may think proper.

Provided, That in parishes in which the overseers of the poor have power by local Acts of Parliament to compound for the relief of the poor rates from the landlords of certain houses, tenements, or hereditaments, and, in case of refusal to compound, to rate such landlords as the occupiers, the surveyor shall have the same powers, remedies, and

privileges to compound and enforce composition, and, in case of refusal by the landlords, to assess them in the same manner to the rates authorized to be made by this Act, as the overseers of the poor have by such Acts for assessing and recovering any rate made for the relief of the poor, or the compositions entered into for the same.

xxxI. That whenever it shall appear to the said surveyor as aforesaid that there has been any omission or error in or assessment made in pursuance of this Act of or in the name of any person, parson, or vicar, or of any house, shop, warehouse, coach-house, stable, cellar, vault, building, workshop, manufactory, garden ground, land, tenement, wood, tithe, mine, quarries of any mineral, stone, or other matter whatsoever, or hereditament, liable to be rated, for the purposes of the highways, to cause to be added or corrected in the said rate or assessment the name of the person, parson, or vicar, or erroneously stated, and a description of the property in respect of which he ought to be rated; and every such addition or correction made in any of the said rates, and signed by such Justices, shall be as valid and effectual as if the same were part of the original rate at the time when it was first made.

xxxII. That it shall and may be lawful for the Justices at a special sessions for the highways, on application made by any person rated to any rate under the authority of this Act to be discharged therefrom, on proof of his inability or poverty to pay such rate, the surveyor having been first summoned to appear on the part of the parish, to order and direct such person shall be excused from the payment of such rate; and which order of the said Justices is hereby declared final with respect to such rate.

xxxIII. That when property, or the owner or occupier in respect thereof, has, previous to the passing of this Act, been legally exempt from the performance of statute duty, or from the payment of any composition in lieu thereof, or of any rate, the said property and the owners and occupiers thereof shall be exempt from the payment of the rate hereby imposed.

xxxIV. That, for levying and recovering the said rate by this Act authorized to be made, the surveyor shall have the same powers, remedies, and privileges as the overseers of the poor in the parish have by law for the recovery of any rate made for the relief of the poor.

xxxv. That it shall be lawful for two rate-payers of any parish, within six days next after the annual appointment of the surveyor, by a notice in writing, to require the said surveyor to call a meeting of the rate-payers of the said parish for the purpose hereafter mentioned, and the said surveyor shall call such meeting within eight days after the receipt of such notice, and shall give six days previous intimation of such meeting; and if at such meeting a majority of the rate-payers there assembled shall signify their consent thereto, it shall and may be lawful for the rate-payers keeping a team of two or more horses or beasts of draught to divide among themselves, in proportion to the amount of rate to which they respectively be assessed, the carrying of the material which may be required by the said surveyor for the repairs of the highways within such parish, and that they shall be paid by the said surveyor for such carrying or task-work, within one month after having performed such service, after such rate per cubic yard of material per mile, and so in proportion to less distance than a mile, as shall be fixed by the Justices at their first meeting in special sessions for the highways, on the 25th of March in every year, which rate the said Justices are hereby required to fix at such special sessions: Provided that such carrying or task-work shall be performed at such times and places and in such manner as the said surveyor shall think fit (the periods of spring, seed-time and harvest always excepted); and that in case the said surveyor shall not appear at such meeting in which such carrying or task-work shall be performed, it shall be lawful for the Justices at a special sessions for the highways to hear the complaint of such surveyor in that respect, and to award such pecuniary redress or forfeiture to the party offending as to them shall appear reasonable.

xxxvi. That the surveyor of any parish, the consent of the majority of the inhabitants in vestry assembled being obtained, may from time to time appoint any number of collectors of the said rates, and may remove any such collector and appoint another in his stead, and make such allowance to such collector, out of the monies to be received under this Act, as he shall think fit, and the said inhabitants in vestry assembled shall think reasonable; and the said collector is hereby declared to have all the powers, remedies, and privileges for the levying and enforcing the payment of such rates as the surveyor nominally appointed under the authority of this Act.

xxxvii. That it shall be lawful for the said surveyor and he is hereby required to take security from every collector appointed by virtue of this Act, for the due execution of his office of collector, which security shall be to the full amount of the sum likely to be in the hands of the said collector at any one time, and shall be by bond without stamp.

xxxviii. That every collector appointed by virtue of this Act shall under his hand, and at such time and in such manner as the surveyor may direct, deliver to the said surveyor as aforesaid true and perfect accounts in writing of all monies received by such collector received by virtue of this Act, and also a list of the names of all such persons as shall be assessed or refused to pay their respective rates, and of the monies due from them respectively; and that every such collector shall pay all such monies as shall remain due from him to the said surveyor as aforesaid; and if any such collector shall neglect to make and render such account, or to produce and deliver up the list of persons neglecting and refusing to pay their rates as aforesaid, or to make payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said surveyor, or to such person as he shall appoint to receive the same within three days after being thereunto required by the surveyor as aforesaid by notice in writing under his hand given to or left at the usual place of abode of such collector, or shall refuse to give satisfaction to the said surveyor as aforesaid respecting the same, then and in every such case, upon complaint made by the said surveyor as aforesaid, such refusal or wilful neglect as aforesaid, to any Justice of the Peace, such Justice may and he is hereby authorized to issue a summons under his hand for the collector so refusing or neglecting to appear before any two Justices of the Peace; and upon the said collector appearing, or having been so summoned and not appearing without some sufficient excuse, or not being found, it shall be lawful for the said two Justices to hear and determine the matter; and upon the confession of the party, or by the testimony of any credible witness on oath, it shall appear to such Justices that a

from such collector, such Justices may and they are hereby authorized and required, upon non-payment thereof, by the hands of such collector, to cause such money to be levied by distress and sale of the goods and chattels of such collector; and the goods and chattels of such collector shall be found sufficient to answer and satisfy the said money, and the charges of distress and selling the said goods and chattels, then and in every such case such Justices shall and they are hereby required to commit such offender to the common gaol or house of correction for the county, city, or place where such offender shall be, there to be kept to hard labour for a period not exceeding six calendar months, or until he shall have paid such sum as aforesaid, or compounded with the surveyor as aforesaid for such money (which composition the said surveyor, with the consent of the inhabitants in vestry, or, in any parish where they do not meet in vestry, with the consent of the inhabitants meeting to the highway rate at a public meeting assembled, is hereby empowered to make and receive); or if it shall appear to such Justices that such collector had refused or wilfully neglected to render and give such accounts, or to produce a list of persons neglecting and refusing to pay their rates as aforesaid, or that any books, papers, or writings relating to the execution of this Act remained in the hands or in the custody or power of such collector, and he refused or wilfully neglected to deliver or give satisfaction respecting the same as aforesaid, then and in every such case such collector shall be liable to forfeit for such offence any sum not exceeding 20*l*., and in default of payment thereof shall be committed to the common gaol or house of correction for the county, city, or place where such offender shall be or reside, there to be kept to hard labour for a period not exceeding four calendar months, or until he shall have given a true and perfect account as aforesaid, and delivered such list as aforesaid, and delivered up such books, papers, and writings, or give satisfaction in respect to the said surveyor: Provided always, that no conviction or imprisonment of such collector as aforesaid shall exonerate or discharge any security taken from him on his appointment as aforesaid.

X. That the surveyor in every parish shall keep separate and distinct accounts of the monies levied for the highway rate, and such accounts shall specify the different sums, and the times when and the persons to whom and by whom the same have been collected and paid.

That the said surveyor, district surveyor, or assistant surveyor, as the case may be, shall and he is hereby required from time to time to keep a book, in which shall be entered a just and true and particular account of all money which shall have come to him as surveyor, district surveyor, or assistant surveyor of the parish for the purposes of this Act, and to whom, and on what occasion, and for what work, and in what place, and on what day he shall have paid or applied the same, and also an account of all tools, materials, implements, and other things provided by him for the repair of the said highways; and such book shall at all reasonable times be open to the inspection of every inhabitant rated to the highway rate of the parish, or of the parishes united into a district, without fee or reward, and every such inhabitant may take copies or extracts from such book, or any part thereof, without paying for the same; and in case the said surveyor, district surveyor, or assistant surveyor shall neglect to provide such book, or to enter therein every sum received or paid by him within one week after the same shall have been received or paid, or shall refuse to permit or shall not permit any such inhabitant as aforesaid at any reasonable time to inspect the same or take copies or extracts as aforesaid, such surveyor, district surveyor, or assistant surveyor shall forfeit and pay any sum not exceeding 5*l*. for each default, to be levied and applied in manner herein provided.

That all the said books, papers, writings, and accounts, and all materials, tools, and implements which shall be provided for the purposes of this Act for repairing or preserving the highways, and also the scrapings of the said highways, shall be vested in the said surveyor for the time being; or in case a district surveyor shall be appointed, then all such books, papers, writings, and accounts, and all materials, tools, implements, and scrapings shall be invested in the district surveyor.

That the said surveyor, district surveyor, or assistant surveyor shall, within fourteen days after leaving his office, deliver such books and accounts verified as herein directed, together with all such sums of money as shall be due from him, and all tools, materials, implements, and other things as aforesaid, to his successor in office, or retain the same in his possession and account for them in his next account if he shall be continued surveyor or district surveyor of such parish in the next year; and in case such surveyor or district surveyor shall neglect to deliver within such time as aforesaid the said books, papers, writings, and accounts, and such tools, materials, implements, and other things, in manner aforesaid, he shall be liable to forfeit any sum not exceeding 5*l*.; and in case he shall make default in the paying or accounting for any such sum due from him within the time and according to the directions aforesaid, he shall forfeit double the money so due.

That in case of the death of any such surveyor, district surveyor, or assistant surveyor, before he shall have paid and satisfied all the monies which he shall have received by virtue of this Act, then and in every such case the executors or administrators of such surveyor, district surveyor, or assistant surveyor so dying shall pay and satisfy the same out of his estate and effects unto the succeeding surveyor, district surveyor, or assistant surveyor, in like manner as other debts are directed to be discharged by such executors or administrators, and also shall deliver up all books, papers, writings, assessments, materials, and implements, and other things concerning his office, which shall have come to the hands of such executors or administrators, who shall and may plead such payment in any action or suit which may be brought against them on account of such estate and effects, and give the same in evidence; and in case of the non-payment of such monies, or the non-delivery of such books, papers, writings, assessments, tools, materials, implements, and things, for the space of one calendar month after made made therein in writing by or on behalf of the said succeeding surveyor, it shall be lawful for the said succeeding surveyor to commence and prosecute an action or actions in any of His Majesty's courts of record at Westminster against such executors or administrators for the recovery of the said monies, or for the recovery of damages for the detention of such books, papers, writings, assessments, tools, materials, implements, and things, in which action or actions full costs of suit shall be recovered by the said succeeding surveyor.

That within fourteen days after the election or appointment of surveyor as herein directed, the accounts as aforesaid shall be made up, and signed by the surveyor, district surveyor, or assistant surveyor for the year preceding, of all monies received and disbursed by virtue of this Act, ending on the day of the election or appointment of surveyor, shall be made up, and laid before the parishioners in vestry assembled, who may, if they think fit, order an abstract thereof to be

printed and published; and within one calendar month after the election or appointment of surveyor as hereinbefore provided, the said accounts shall be signed by the surveyor, district surveyor, or assistant surveyor for the year preceding, and laid before the Justices of the Peace at a special sessions for the highways holden at the place nearest to the parish or district in which such surveyor shall have been appointed, and such Justices are hereby authorized and required to examine him as to the truth of the said accounts or of any charge contained therein: Provided always, that if any person chargeable to the rate as to be made by this Act has any complaint against such accounts or the application of the monies received by the said surveyor, it shall be lawful for any such inhabitant to make his complaint thereof to such Justices at the time of the verification of the accounts as aforesaid, and the said Justices are hereby required to hear such complaint, and, if they shall think fit, to order such surveyor upon oath, and to make such order thereon as to them shall seem meet: Provided nevertheless, that the surveyors appointed under the authority of the said Act, 13 Geo. 3, shall produce such books and statement and accounts before the Justices at a special sessions for the highways to be holden within their respective divisions in the next after that in which the 25th of March shall be in the year of our Lord 1836, and pay the balances thereof to the Justices to be chosen in pursuance of this Act, in the same manner as they would have done to the surveyors to have been appointed under this Act had not been passed.

XLV. That it shall and may be lawful for the Justices of the Peace within their respective divisions, or any two or more of them, and they are hereby required, to hold not less than eight nor more than twelve special sessions in every year for the purposes of this Act, the days of the holding thereof to be appointed at a special sessions to be held within ten days after the 20th of March in every year: Provided always, that it shall not be necessary to cause any notice to be sent to any Justice acting and residing within such limits of the day or time of the holding thereof; and at the said sessions held next after the 25th of March in every year the surveyor of each of the parishes within their respective divisions shall verify his accounts, and shall make a return in writing to such special sessions of the state of all the roads, highways, bridges, causeways, hedges, ditches, and watercourses appertaining thereto, and of all nuisances and enclosures if any, made upon the several highways within the parish for which he was surveyor, as well as the extent of the highways which the said parish is liable to repair, what part thereof has been repaired, and with what materials and expense, and what was the amount levied during the time he was surveyor of the said parish.

XLVI. That in every parish the surveyor may and is hereby authorized, with the consent of the inhabitants in vestry assembled, to contract for purchasing, getting, and carrying the materials required for the repair of the highway; and if any person shall have any part, share, or interest, directly or indirectly, in any contract or bargain for work or materials to be made or provided upon, for, or on account of any of the highway or other works whatsoever under his care or management, or upon his own account, directly or indirectly, use or let to hire any team, or use or sell or dispose of any materials, or be employed in making or repairing such highway or other works as aforesaid, (unless a licence in writing for the use of such materials, or to let to hire any such team, be first obtained from two Justices of the Peace in special sessions as aforesaid, and he shall forfeit for every such offence, on conviction, any sum not exceeding 10*l.*, and be for ever after incapable of being employed as a surveyor with a salary under the authority of this Act.

XLVII. That if any person shall, without the consent of the surveyor, take away materials which shall have been gotten, dug, or gathered for the repair or use of any highway, or any materials out of any quarry which shall have been dug, or opened for the purpose of getting materials for any highway, before the surveyor and his workmen shall have finished working therein for the space of six weeks, (except the owner of any private grounds, and persons authorized by the owner to get materials in such quarry for his own private use, and not for sale,) every person so offending shall for every offence forfeit and pay, on conviction thereof, any sum not exceeding 10*l.*

And after reciting that under Acts of Parliament heretofore made and which may hereafter be made for the inclosing of land, parcels of land have been and may be expressly allotted to parishes or to the surveyor of the highways for the obtaining materials for the repair of the highways in such parish, and the materials in such parcels of land have been exhausted:—

It is Enacted,

XLVIII. That in such cases it shall and may be lawful for the surveyor of such parish for the time being, by the consent of the vestry, and he is hereby authorized and required, with the consent in writing of the Justices of the Peace at special sessions for the highways, to sell and convey to some person whose lands adjoin thereto, or, if he refuse to do so, to any other person, the said parcels of land from which the said materials have been so exhausted as aforesaid, at a price as the said Justices may deem fair and reasonable, and with the money arising therefrom, and with such other lands as aforesaid, to purchase other lands in lieu thereof.

XLIX. That it shall be in the power of tenants for life, ecclesiastical and lay corporations, and the proprietors of estates, and of the trustees and guardians of any person under any legal disability or incapacity, to give up and renounce claim of damage or compensation for such ground and materials as any highway may occupy on their respective property: that such renunciation shall be equally binding on the heirs and successors of such persons: Provided nevertheless, that such renunciation of claim of damage or compensation be in writing, and signed by such tenant for life, proprietor, trustee, or guardian, in the presence of two witnesses, or in the case of corporations in such manner and form as is usually adopted by corporations respectively; and such renunciation shall be enrolled at the Quarter Sessions which shall be held next after the signing or execution thereof.

L. That when any lands or tenements have been or shall be given for maintenance of highways, the profits and proceeds to be applied and disposed of for no other use, intent, or purpose whatsoever, all persons who are or shall be entitled to such lands or tenements shall and they are hereby authorized and required to let them to farm at the most advantageous yearly value, without fine, for any term not exceeding ninety-nine years: Provided nevertheless, that previous to the giving of such lease the consent of the Justices at a special sessions for the highways, neither of such Justices being present, by writing under their hands, shall be obtained as to the amount of rent to be received and the duration of the lease.

That it shall and may be lawful for every such surveyor, in any waste land or common ground, river or brook, within the parish for which he shall be surveyor, or within any other parish wherein gravel, sand, stone, or other materials are respectively to be found, (in case sufficient cannot be conveniently had within the parish where the same are to be employed, sufficient shall be left for the use of the roads in such other parish,) to search for, dig, get, and carry away the same, so that he said surveyor doth not thereby divert or interrupt the course of such river or brook, or prejudice or damage any build-
ing, highway, or ford, nor dig or get the same out of any river or brook within the distance of one hundred and fifty feet above or below any bridge, nor within the like distance of any dam or weir; and likewise to gather stones lying upon any lands or grounds within the parish where such highway shall be, for such service and purpose, and to take and carry away so much of such materials as by the discretion of the said surveyor shall be thought necessary to be employed in the amendment of the highways, without making any satisfaction for the said materials, but satisfaction shall be made for all damages done to the lands or grounds of any person or persons by carrying away the same, in the manner hereinafter directed for getting and carrying away materials in inclosed lands or grounds; but no such stones shall be gathered without the consent of the owner of such lands or grounds, or a licence for that purpose from two Justices at a special sessions for the highways, after having summoned such owner to come before him, and heard his reasons, if he shall appear and give any, for refusing his consent.

That nothing in this Act contained relative to the gathering or getting of stones or other materials shall extend to any stones or other materials thrown up by the sea, commonly called beach, where the removal of the same would cause damage or injury by inundation to the lands adjoining, or increased danger of encroachment by the sea.

That it shall not be lawful for any surveyor, or any other person acting under the authority of this Act, to dig, gather, or carry away any materials for making or repairing any highway out of or from any inclosed land or ground, until a month's notice in writing, signed by the surveyor, shall have been given to the owner of the premises from which the materials are intended to be taken, or to his owner agent, and to the occupier of the premises from which such materials are intended to be taken, or left at the house or last or usual place of abode of such owner or agent, and also of such occupier, at least seven days before the Justices at a special sessions for the highways, to shew cause why such materials shall not be had there-
of in case such owner, agent, or occupier shall attend pursuant to such notice, but shall not shew sufficient cause to the Justices, such Justices shall, if they think proper, authorize such surveyor or other person to dig, get, gather, take, and carry away such materials at such time or times as to such Justices shall seem proper; and if such owner, agent, or occupier shall refuse to appear by himself or his agent, the said Justices shall and may (upon proof on oath of the service of such notice) make such order therein as they shall think fit as fully and effectually to all intents and purposes as if such owner or agent, or his agent, had attended.

That it shall be lawful for every such surveyor, for the use aforesaid, by licence in writing from the Justices at a special sessions for the highways, to search for, dig, and get materials, if sufficient cannot be had conveniently within such waste lands or common grounds, rivers, or brooks, in or through any of the several or inclosed lands or grounds of any person whom-
(such lands or grounds not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation, or wood not exceeding one hundred acres in extent,) within the parish where the same shall be wanted, or within any parish adjoining or lying near to the highway for which such materials shall be required, if it shall appear to such Justices that sufficient materials cannot be conveniently had in the parish where such highways lie, or in the waste lands or com-
mon grounds, rivers or brooks of such adjacent parish, and that a sufficient quantity of materials will be left for the use of the roads in the same parish, and to take and carry away so much of the said materials as by the discretion of the said Justices shall be thought necessary to be employed in the amendment of the said highways; the said surveyor making such satisfaction for the materials which may be got or taken away, and also for the damage done to such lands or grounds by the carrying away the same, as shall be settled and ascertained by order of the Justices at a special sessions for the highways.

That if any surveyor or person employed by him shall, by reason of the searching for, digging, or getting any materials for the amendment of any highways, make any pit or hole in lands, common grounds, rivers, or brooks as aforesaid wherein such materials shall be found, he shall forthwith cause the same to be sufficiently fenced off, and such fence supported and repaired as often as shall be required, so that such time as the said pit or hole shall continue open, and within three days after such pit or hole shall be opened or made, if no materials shall be found, cause the same to be forthwith filled up, levelled, and covered with the turf or clod dug out of the same, and where any such materials shall be found, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up or sloped down, and fenced off, if required by the owner of such land or ground, and so continued; and every surveyor shall within twenty-one days after he shall have been appointed to survey any highway, or to amend any highway, cause all the said pits and holes which shall then be open and not likely to be further useful to be filled up or sloped down in the manner aforesaid, and if they are likely to be further useful he shall secure the same by posts and rails or other fences, and shall be answerable for any accidents to persons or cattle; and in case such surveyor or person shall neglect to fill up, slope down, or fence off such pit or hole in manner and within the time aforesaid, he shall forfeit the sum of 10s. for every such default; and in case such surveyor or person shall neglect to fence off such pit or hole, or to slope down the same, as hereinbefore directed, for the first offence, he shall be liable to be fined by the Justices at a special sessions for the highways, or from the owner or occupier of such several ground, river, or brook, or any person having right of common within such common or waste land or ground, and such neglect and offence shall be proved upon oath before the Justices at a special sessions for the highways, and the surveyor, person or persons, shall forfeit and pay any sum not exceeding 10l. for such neglect, to be determined by the Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such pit or hole, and the repair of the roads in the parish where the offence shall be committed, in such manner as the said Justices shall think fit, and appoint; which forfeiture, in case the same be not forthwith paid, shall be levied as other forfeitures are by law directed to be levied.

That if any surveyor or district surveyor shall lay or cause to be laid any heap of stone or any other matter or thing upon any highway, and allow the same to remain there at night to the danger or personal damage of any person

passing thereon, all due and reasonable precaution not having been taken by the said surveyor to guard against the same, shall forfeit for every such offence any sum not exceeding 5*l*.

XVII. That if any surveyor shall dig or cause to be dug materials for the highways, whereby any bridge, mill, building, highway, occupation road, ford, mines, or tin works, or other work, may be damaged or endangered, he shall forfeit for such offence, on conviction, any sum not exceeding 5*l*., at the discretion of the Justices before whom the complaint shall be made, notwithstanding his liability to any civil action to which he may make himself liable by such act.

And after reciting that it frequently happens that the boundaries of parishes pass across or through the middle of a highway, and one side of such highway is situated in one parish, and the other side in another parish, whereby great inconveniences often arise in repairing the same;—

It is Enacted,

XVIII. That the Justices at a special sessions for the highways, on complaint of any surveyor of any parish, (in writing, and on a plan thereunto annexed, that there is such a highway, one side whereof ought to be repaired by one parish, and the other side by another, and particularly describing the same by metes, bounds, and admeasurement thereof,) and their summons, with a copy of such writing and plan thereunto annexed, to the surveyor of such other parish, to appear before them on a day mentioned in such summons; and if the parties appear such Justices may then proceed finally to determine the matter, in manner herein mentioned, in case all the parties shall consent thereto; but in case the surveyor summoned shall not appear on such first summons, or appearing shall require further time, such Justices shall adjourn the further consideration of the matter for any further time, not more than twenty-one days nor less than fourteen days from the date of such summons, of which the surveyor not appearing, or appearing shall require further time, shall have notice, on which day the Justices shall proceed to hear the parties and their witnesses, and, whether the party summoned does or does not appear, shall proceed to examine and finally determine the matter in form following; (that is to say,) that it shall and may be lawful for such Justices and they are hereby required to divide the whole of such common highway, by a transverse line crossing the highway, into equal parts, or into such unequal parts and proportions as, in consideration of the soil waters, floods, and other circumstances attending the same, they in their discretion shall think just and reasonable, and to declare, adjudge, and order that the whole of such highway on both sides thereof, in any of such parts, shall be maintained and repaired by one of such parishes, and that the whole thereof on both sides in the other of such parts shall be maintained and repaired by the other of such parishes, and shall cause such their order, and a plan of such highway, and the division thereof as before mentioned, to be fairly delineated on paper or parchment, and filed with the clerk of the peace of the county in which such highway shall happen to lie, and shall also cause such posts, stones, or other boundaries to be placed at such intervals as shall be necessary for ascertaining the division and allotment thereof: Provided that in the case of any such last-mentioned highway, the repair of any part of which belongs to any body corporate, or to any person, by the reason of tenure of any lands, or otherwise howsoever, the same proceedings shall be adopted, but the said body politic or corporate, or person, or some one on their behalf, may appear before such Justices to object to such last-mentioned proceedings, in which case the said Justices shall, before they divide such highway as aforesaid, hear and consider the objection so made, and determine the same.

LIX. That from and after such order and plan shall be so filed with the clerk of the peace as aforesaid, such body politic or corporate, or person aforesaid respectively, shall be bound as of common right to maintain and keep such parts of such highways so allotted to them as aforesaid, and shall be liable to be proceeded against for neglect of duty, and shall in all respects whatsoever be liable and subject to all the provisions, regulations and penalties contained in the Highway Act, and also shall be discharged from the repair of such part of such highway as shall not be included in their allotment.

LX. That all costs, charges, and expenses to be incurred by reason of any of the proceedings last mentioned shall be and defrayed by such two parishes, or body politic or corporate, or person aforesaid, the same being settled and ascertained and duly apportioned between such parishes by such Justices; and in case the said parties shall refuse or neglect to discharge their respective share of such costs and expenses, it shall and may be lawful for the Justices at a special sessions for the highways to levy the same by distress and sale, with costs of such distress, on the goods and chattels of any such parish, or of any body politic or corporate, or person aforesaid, so refusing or neglecting to defray such costs as aforesaid.

LXI. That nothing herein contained shall extend or be construed to extend to affect, change, or alter in any manner whatsoever any boundaries of counties, lordships, hundreds, manors, or any other division of public or private property, or boundaries of any parishes or townships, otherwise than for the purpose of amending and keeping in repair such portion of the highway in the manner herein mentioned.

LXII. That any body politic or corporate, or any person, liable to repair any highway by reason of tenure of any lands, or otherwise howsoever, or the surveyor of the parish in which the said highway is situate, may, if he or either party shall so require, having first obtained the consent of the inhabitants in vestry assembled, apply to any Justice for the purpose of having the said highway a parish highway, and to be repaired by the surveyor of the said parish; and the said Justice is hereby authorized and required to issue his summons, requiring the said surveyor, or the party so liable to repair the said highway, to appear before the Justices at the next special sessions for the highways, and if both parties appear such Justices shall then proceed to determine the matter; but in case the surveyor or party summoned shall not appear on such first summons, or appearing shall require further time, such Justices shall adjourn the further consideration of the matter to the next special sessions for the highways, of which the said surveyor or party not appearing shall have notice, on which day the Justices assembled at such special sessions shall proceed to hear the parties and their witnesses, and whether the surveyor summoned do or do not appear, shall proceed to examine and determine the matter; and in case they decide that the highway shall become a parish highway, and be thereafter repaired by the surveyor of the said parish, they shall, by an order

shall, in the proportion of the expenses of repairing the said highway to be annually paid by such body politic or corporate person as aforesaid to the surveyor of the said parish; and the order of the said Justices shall be binding on the surveyor of the said parish and the said body politic or corporate person as aforesaid, their heirs, successors, and assigns: Provided, that the said Justices, instead of fixing the proportion of the expenses of repairing the said highway to be annually paid, may, by an order under their hands, fix a certain sum to be paid by such body politic or corporate person as aforesaid to the surveyor of the said parish in full discharge of all claims thereafter in respect of the repairs of such highway; and in default of payment of such last-mentioned sum or of such annual sum as aforesaid the said surveyor may sue for the recovery thereof in the same manner as any penalties and forfeitures are recoverable under this Act: Provided, that when the sum so fixed to be paid in full discharge of all claims thereafter in respect of the repair of such highway shall exceed the sum of 100*l.*, the said sum when received shall be vested, in the name of the minister, churchwardens, and vestry of the highways of the parish within which such highway shall be situate, in some public government securities, and the interest and dividends from time to time arising or accruing therefrom shall be applied towards the repairs of the highways within the said parish: Provided also, that when the sum so fixed to be paid in full discharge of all claims as aforesaid shall not exceed the sum of 100*l.*, the said last-mentioned sum, or any part thereof, on the application by and with the consent of the inhabitants of the parish in vestry assembled, and of the Justices in special sessions assembled, shall and may be applied towards the repair of the highways within the said parish.

That where in this Act any matter or thing is directed or forbidden to be done within a certain distance of the centre of a highway, that portion of ground shall be deemed and taken to be the highway which has been maintained by the surveyor, and repaired with stones or other materials used in forming highways, for the six months immediately preceding the said survey, and the centre of the highway shall be the middle of such highway, where a line being drawn along the highway, or marked, an equal number of feet of highway which have been so maintained and repaired as aforesaid for twelve months shall be found on each side of such line or mark.

That no tree, bush, or shrub shall hereafter be planted on any carriageway or cartway, or within the distance of fifteen feet from the centre thereof; but the same shall respectively be cut down, grubbed up, and carried away by the owner or occupier of the land or soil within twenty-one days after notice to him or his agent by the surveyor, on pain of forfeiting for every offence the sum of 10*s.*

That if the surveyor shall think that any carriageway or cartway is prejudiced by the shade of any hedges, or by any other trees, except those trees planted for ornament or for shelter to any hop ground, house, building, or court yard of the owner thereof, growing in or near such hedges or other fences, and that the sun and wind are excluded from such highway, to the injury of the same, or if any obstruction is caused in any carriageway or cartway by any hedge or tree, it shall be lawful for any Justice of the Peace, on the application of the said surveyor, to summon the owner of the land on which such hedges or trees are growing next adjoining to such carriageway or cartway to appear before the Justices at a special sessions for the purpose to shew cause why the said hedges are not cut, pruned, or plashed, or such trees not pruned or lopped, in such manner as the said Justices shall direct: and if the said carriage-way or cartway shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such carriageway or cartway to the damage thereof, or why the obstruction caused in such carriageway or cartway should not be removed; and the question as to the cutting, pruning, or plashing such hedges, or the pruning and lopping such trees, or the removal of such obstruction as aforesaid, shall, upon proof of the service of such summons, and whether the owner attend or not, be determined at the discretion of such last-mentioned Justices; and if such Justices shall order that such hedges shall be cut, pruned, or plashed, or such trees pruned or lopped, in manner aforesaid, or such obstruction removed, the said owner shall comply therewith within ten days after a copy of such order shall have been left at the place of abode of the said owner or of his steward or agent, and in default thereof shall forfeit, on conviction, a sum not exceeding 40*s.*; and the said surveyor, if the order of the said Justices is not complied with, shall and he is hereby authorized to require to cut, prune, or plash such hedges, and to prune and lop such trees, for the benefit and improvement of the highway, and to remove such obstruction as aforesaid, to the best of his skill and judgment, and according to the true intent and meaning of this Act; and the said surveyor shall be reimbursed by the owner as aforesaid what charges and expenses he shall incur in cutting, pruning, and plashing such hedges, and pruning and lopping such trees, and the removal of such obstruction, over and above the said forfeiture; and it shall and may be lawful for the Justices at a special sessions for the purpose, upon proof to them made upon oath, to levy as well the expenses of cutting, pruning, and plashing such hedges, and pruning and lopping such trees, or removal of such obstructions as aforesaid, as the several and respective penalties hereby provided, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are directed and directed to be levied by virtue of this Act.

That no person shall be compelled nor any surveyor permitted to cut or prune any hedge at any other time than between the last day of September and the last day of March; and that no person shall be obliged to fell any timber trees growing in hedges at any time whatsoever except where the highways shall be ordered to be widened or enlarged as herein provided, or then to cut down or grub up any oak trees growing in such highway or in such hedges except in the months of May, or June, or any ash, elm, or other trees in any other months than December, January, February, or March.

That the said surveyor, district surveyor, or assistant surveyor shall have power to make, scour, cleanse, and keep drains, ditches, gutters, drains, or watercourses, and also to make and lay such trunks, tunnels, plats, or bridges, as he shall think necessary, in and through any lands or grounds adjoining or lying near to any highway, upon paying the owner or occupier of such lands or grounds, provided they are not waste or common, for the damages which he shall sustain thereby, to be paid in such manner as the damages for getting materials in inclosed lands or grounds are herein directed to be paid.

That if any owner, occupier, or other person shall alter, obstruct, or in any manner interfere with any such drains, ditches, gutters, drains, or watercourses, trunks, tunnels, plats, or bridges, after they shall have been made by or taken under the authority of such surveyor or district surveyor, and without his authority and consent, such owner, occupier, or other person

shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding three times the amount of such and expenses.

LXIX. That if any person shall encroach by making or causing to be made any building, hedge, ditch, or other fence, carriageway or cartway within the distance of fifteen feet from the centre thereof, every person so offending shall be convicted, for every such offence any sum not exceeding 40s.; and the surveyor who hath the care of any such carriage or cartway shall and he is hereby required to cause such building, hedge, ditch, or fence to be taken down or filled, at the expense of the person to whom the same shall belong; and it shall and may be lawful for the Justices at a special assizes, the highways, upon proof to them made upon oath, to levy as well the expenses of taking down such building, hedge, or filling up such ditch as aforesaid, as the several and respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, in such manner as distresses and sales for forfeitures are authorized and directed to be in the virtue of this Act.

LXX. That from and after the commencement of this Act it shall not be lawful for any person to sink any pit or shaft, erect or cause to be erected any steam engine, gin, or other like machine, or any machinery attached thereto, within the distance of twenty-five yards, nor any windmill within fifty yards, from any part of any carriageway, or cartway, unless the same shall be within some house or other building, or behind a wall or fence, sufficient to conceal or screen the same from the said carriageway or cartway, so that the same may not be dangerous to passengers, horses, or cattle; nor shall it be lawful for any person to make or cause to be made any fire for burning of ironstone, limestone, bricks, or clay, or the making of cookes, within the distance of fifteen yards from any part of the said carriageway or cartway, unless the same shall be within some house or other building, or behind some fence, sufficient to screen the same from the same carriageway or cartway as aforesaid; and in case any person shall offend in any of the cases aforesaid, every such person so offending shall forfeit and pay any sum not exceeding 5l. for each day such pit, shaft, windmill, steam engine, gin, machine, or fire shall be permitted to continue contrary to the provisions of this Act; which said penalties shall be levied, recovered, and applied in such and the same manner as any penalty or fine for any other offence on any highway may be levied, recovered, and applied: Provided, that nothing herein contained shall be construed to restrain any person or persons from using, repairing, rebuilding, or enlarging any windmill, steam engine, or other like machine, or any kiln or other erection used for the purpose of calcining or burning of ironstone, limestone, or clay, or the making of cookes, which may have been erected and may be in existence at the passing of this Act.

LXXI. That whenever a railroad shall cross any highway for carts or carriages, the proprietors of the said railroad shall and maintain good and sufficient gates at each of the said crossings, and shall employ good and proper persons to attend the opening and shutting of such gates, so that the persons, carts, or carriages passing along such road shall not be exposed to any danger or damage by the passing of any carriages or engines along the said railroad; and any complaint for neglect in respect of the said gates shall be made within ten days after the said neglect, to one Justice, who may summon the person complained against to appear before the Justices at their next special sessions for the highways, who shall hear and determine upon the said complaint, and the proprietor so offending shall forfeit any sum not exceeding 5l.

LXXII. That if any person shall wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers; or shall wilfully lead or drive any horse, ass, sheep, mule, swine, or cattle, or any other description, or any truck or sledge upon any such footpath or causeway; or shall tether any horse, ass, mule, or cattle on any highway, so as to suffer or permit the tethered animal to be thereon; or shall cause any injury or damage to be done to the said highway, or the hedges, posts, rails, walls, or fences thereof; or shall wilfully obstruct the passage of any footway; or wilfully destroy or injure the surface of any highway; or shall wilfully or wantonly pull up, cut down, remove, or damage the posts, blocks, or stones fixed by the said surveyor as herein directed; or dig or cut down the banks which are securities and defence of the said highways; or break, damage, or throw down the stones, bricks, or wood fixed up as parapets or battlements of bridges, or otherwise injure or deface the same, or pull down, destroy, obliterate, or remove any milestone or post, graduated or direction post or stone, erected upon any highway; or shall play at football or any other game on any part of the said highways, to the annoyance of any passenger or passengers; or if any hawker, higgler, gipsy, or person travelling shall pitch any tent, booth, stall, or encamp, upon any part of any highway; or if any person shall make or assist in making any fire, or shall wantonly fire off any gun or pistol, or shall set fire to or wantonly let off any squib, rocket, serpent, or other firework whatsoever, within fifty feet of the centre of such carriageway or cartway, or shall run for the purpose of baiting, any bull upon or near any highway; or shall lay any timber, stone, hay, straw, manure, lime, soil, ashes, rubbish, or other matter or thing whatsoever upon such highway, to the injury of such highway, or to the injury, interruption, or personal danger of any person travelling thereon; or shall suffer any filth, dirt, lime, or offensive matter or thing whatsoever to run or flow into or upon any highway from any house, building, erection, or premises adjacent thereto; or shall in any way wilfully obstruct the free passage of any such highway; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding 40s. and above the damages occasioned thereby.

LXXIII. That if any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other matter or thing which shall be laid upon any highway so as to be a nuisance, and shall not, after notice given by the surveyor, assistant surveyor, or district surveyor, be forthwith removed, it shall and may be lawful for the surveyor, assistant surveyor, or district surveyor by order in writing from any one Justice, to clear the said highway by removing the said stone, hay, straw, dung, soil, ashes, rubbish, or other matter or thing as aforesaid, and to dispose of the same, and to apply the proceeds arising from towards the repairs of the highway within the parish in which such highway may be situate: Provided nevertheless that if any soil, ashes, or rubbish shall be laid on any highway, and such soil, ashes, or rubbish shall not be of sufficient quantity to defray the expense of removing them, the person who laid or deposited such soil, ashes, or rubbish shall repay to the surveyor, assistant surveyor, or district surveyor the money which he shall have necessarily expended for the removal of the same, which money, in case the same shall not be forthwith repaid, shall be levied as forfeitures are herein directed to be levied.

xiv. That if any horse, ass, sheep, swine, or other beast or cattle of any kind shall at any time be found wandering, lying, or being depastured, on any highway or on the sides thereof, without a keeper, (except on such parts of any as lead or pass through or over any common or waste or uninclosed ground,) any surveyor, or any other person authorized hereby required to seize and impound every such horse, ass, sheep, swine, or other beast or cattle in the common (if any) of the parish where the same shall be found, or in such other place as the surveyor shall have provided or provide for that purpose, and the said horse, ass, sheep, swine, or other beast or cattle there to detain until the owner of shall for every and each horse, ass, sheep, swine, or other beast or cattle so impounded pay any sum not exceeding 1s. with the reasonable charges and expenses, such charges and expenses to be settled by any two Justices of the Peace, impounding and keeping the same, to the surveyor of the parish in which the beast so impounded shall have been found, and sum so paid for each beast to be applied to the repair of the said highway; and in case the said penalty, charges, and expenses shall not be paid within five days after such impounding, (notice being thereof first given to the owner, if known at the time,) it shall and may be lawful for any two Justices of the Peace to order every such horse, ass, sheep, swine, or other beast or cattle to be sold, except where it shall be made to appear to such Justices that the horse, ass, sheep, swine, or other beast or cattle impounded escaped from any inclosure by any gate or fence being wilfully or negligently left open or destroyed by any person not being owner of such inclosure, nor employed by such owner, or that it arose from accident, and was not in which case such Justices may remit the said penalty; and the money arising from such sale, after deducting the penalty, and charges and expenses of impounding, keeping, and selling every such horse, ass, sheep, swine, or other beast or cattle, shall be paid to the person whose property the same so sold shall appear to have been; and in case the owner thereof shall not be known, and no application shall be made for the money arising from such sale within one calendar month after the sale shall have taken place, the said money shall be applied, after deducting the said charges and expenses, in the same manner as the said penalty of 1s. is herein directed to be applied: Provided always, that no owner of any horse, ass, sheep, or other beast or cattle impounded as aforesaid shall in any case pay more than the sum of 20s. over and above the charges and expenses of impounding and keeping the same, for any number of horses, asses, sheep, swine, or other beast or cattle impounded at one time: And provided always, that nothing in this Act shall be deemed, taken, or construed to extend away any right of pasturage which may exist on the sides of any highway.

v. That in case any person shall release or attempt to release any horse, ass, sheep, swine, or other beast or cattle which shall be seized for the purpose of being impounded under the authority of this Act from the pound or place where the same shall be so impounded, or in the way to or from any such pound or place, or shall pull down, damage, or destroy the pound or place, or any part thereof, or any lock or bolt belonging thereto or with which the same shall be fastened, or shall release, or attempt to rescue or release, any distress or levy which shall be made under the authority of this Act, before such horse, ass, sheep, swine, or other beast or cattle seized or so impounded, or such distress or levy so made, be discharged by due course of law, every person so offending shall, upon conviction thereof before any two of His Majesty's Justices of the Peace, either upon confession of the party or parties offending, or upon oath of one credible witness, be liable to pay any sum not exceeding 20l., at the discretion of the said Justices, and in default thereof be committed by such Justices, by warrant under their hands and seals, to the house of correction of the county wherein the said offence shall have been committed, there to be kept to hard labour for any time, at the discretion of the Justices, not exceeding three calendar months.

vi. That the owner of every waggon, cart, or other such carriage shall paint or cause to be painted in one or more lines or lines, upon some conspicuous part of the right or off side of his waggon, cart, or other such carriage, or upon the shafts thereof, before the same shall be used on any highway, his christian name and surname, or the style and title by which he is commonly designated, and the place of his trade or abode, or the christian and surname and place of trade or abode of the driver or owner thereof, at full length, in large legible letters in white upon black or black upon white, not less than one inch in height, and continue the same thereupon so long as such waggon, cart, or other such carriage shall be used upon any highway; and every owner of any waggon, cart, or other such carriage who shall use or allow the same to be used on any highway without the name and descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious name or place of trade or abode on such waggon or cart or other carriage, shall forfeit and pay, on conviction, for every such offence a sum not exceeding 40s., with or without costs, as the Justices before whom the conviction shall take place shall think fit.

vii. That no one person shall act as the driver of more than two carts, waggons, or other such carriages on any highway: Provided always, that it shall and may be lawful for any one person to act as the driver of two carts, waggons, or other such carriages on any highway, and for such carts to pass and travel on any highway being only under the care and superintendence of such single person: Provided always, that such carts, waggons, or other carriages, when under the care of only one person, shall not be drawn by more than one horse each, and the horse of the hinder cart, waggon, or other carriage shall be led by a rein in length not exceeding four feet to the back of the cart, waggon, or other carriage which shall be foremost; and in case the said horse shall not be so attached, the driver of the said carts, waggons, or other carriages shall forfeit, on conviction, the sum of 20s., to be recovered as other penalties are by this Act to be recovered.

viii. That if the driver of any waggon, cart, or other carriage of any kind shall ride upon any such carriage, or upon any horse or horses drawing the same, on any highway, not having some other person on foot or on horseback to guide the same (except in cases where the same are driven with reins, and are conducted by some person holding the reins of all the horses drawing the same, excepted); or if the driver of any carriage whatsoever on any part of any highway shall by negligence or wilful misconduct cause any hurt or damage to any person, horse, cattle, or goods conveyed in any carriage passing or being upon any highway, or shall quit the same and go on the other side of the hedge or fence inclosing the same, or negligently or wilfully at such distance from such carriage or in such a situation whilst it shall be passing upon such highway that he cannot direct the direction and government of the horses or cattle drawing the same, or shall leave any cart or carriage on such highway so as to obstruct the passage thereof; or if any person shall drive or act as the driver of any waggon, cart, or other such carriage having the owner's name as hereby required painted and remaining legible thereon, and shall refuse to tell or to dis-

cover the true christian and surname of the owner or principal owners of such waggon, cart, or carriage; or if the driver of such waggon, cart, or other carriage whatsoever, or of any horses, mules, or other beast of draught or burthen, meeting any other waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, shall not keep his waggon, cart, or carriage, or horses, mules, or other beasts of burthen, on the left or near side of the road; or if any person shall in any manner prevent any other person from passing him, or any waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, under his care, upon such highway, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any person, waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, on any highway, or shall not keep his waggon, cart, or other carriage, or horses, mules, or other beasts of burthen, on the left or near side of the road, for the purpose of passing such passage; or if any person riding any horse or beast, or driving any sort of carriage, shall ride or drive the same so as to endanger the life or limb of any passenger, every person so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice, or by the oath of one or more credible witnesses, shall, in default of payment, be committed to the common gaol or house of correction, there to be kept to hard labour, for a time not exceeding six weeks, unless such forfeiture shall be sooner paid; and every such driver offending in either of the cases shall and may by the authority of this Act, with or without any warrant, be apprehended by any person who shall have such offence committed, and shall be conveyed before any Justice of the Peace, to be dealt with according to law; and every such driver in any of the cases aforesaid shall refuse to discover his name, it shall and may be lawful for the said Justice of the Peace before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the common gaol or house of correction there to be kept to hard labour, for any time not exceeding three months, or to proceed against him by the penalty aforesaid by a description of his person and the offence only, without adding any name or designation, but excluding the proceedings that he refused to discover his name.

And after reciting that offences may be committed against this Act by persons whose names are unknown to the assistant surveyor, or district surveyor:—

It is Enacted,

LXXIX. That it shall be lawful for the surveyor, assistant surveyor, or district surveyor, or any person acting under the authority, and such other person as he shall call to his assistance, or any other person witnessing the commission of the offence, without any other authority than this Act, to seize and detain such unknown person who shall commit any such offence, and take him forthwith before any Justice of the Peace, who shall proceed and act with respect to such offence according to the provisions of this Act.

LXXX. That the said surveyor shall, and he is hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public cartway leading to any market town twenty feet wide at the least, and every public horseway twenty feet wide at the least, and to support and maintain every public footway by the side of any carriageway or cartway, or horseway, at the least, if the ground between the fences including the same will admit thereof: Provided nevertheless, that no person herein contained shall require any surveyor to make or form any public footway without the consent of the inhabitants of the parish assembled.

LXXXI. That if any gate across any public cartway shall be less than ten feet wide, or any gate across any public horseway shall be less than five feet wide, clear between the posts thereof, then and in every such case, upon notice in writing given by the surveyor to the person to whom such gate shall belong, left at the dwelling house of such person or his steward or agent, requiring him to enlarge the same, if such person shall neglect for the space of twenty-one days after such notice shall be given as aforesaid to remove or enlarge such gate, he shall forfeit a sum not exceeding 10s. for every day he shall so neglect to remove or to enlarge such gate as aforesaid.

LXXXII. Provided, That where it shall appear, upon the view of two Justices of the Peace, that any highway is insufficient in breadth, and might be widened and enlarged, such Justices shall and they are hereby empowered, within their respective divisions, to order such highway respectively to be widened and enlarged in such manner as they shall think fit, to the said highway, when widened and enlarged, shall not exceed thirty feet in breadth; and that neither of the said Justices shall extend to pull down any house or building, or to take away the ground of any garden, lawn, yard, court, park, or pleasure ground, planted walk, plantation, or avenue to any house, or any inclosed ground set apart for building ground or as a nursery; and for the satisfaction of the person, body politic or corporate, who is seised or possessed of or interested in such ground, right, or in trust for any other person, in the said ground that shall be laid into the said highway respectively so to be widened and enlarged, the said surveyor, under the direction and with the approbation of the said Justices in writing, shall and he is hereby empowered to make an agreement with him for the recompense to be made for such ground, and for the raising of new ditches and fences as shall be necessary, according and in proportion to their several and respective interests in such ground, and also with any other person, body politic or corporate, that may be injured by the widening and enlarging such ground, for the satisfaction to be made to him respectively as aforesaid; and if the said surveyor, under the direction and approbation of the said Justices, cannot agree with the said person, body politic or corporate, or if he cannot be found, or if he refuse to treat or take such recompense or satisfaction as shall be offered to them respectively by such surveyor, or if he refuse to sign the Justices of the Peace at any General Quarter Sessions to be holden for the limit wherein such ground shall lie, upon the writing signed by the Justices making such view as aforesaid of their proceedings in the premises, and upon proof of such refusal, notice in writing having been given by the surveyor of such parish to the owner, occupier, or other person, body politic or corporate, interested in such ground, or to his guardian, trustee, clerk, or agent, signifying an intention to apply to the Quarter Sessions for the purpose of taking such ground, shall impanel a jury of twelve disinterested men out of the parish returned to serve as jurymen at such Quarter Sessions; and the said jury shall, upon their oaths, to the best of their ability, assess the damages to be given and recompense to be made to the owners and others interested as aforesaid in the said ground.

their respective interests, as they shall think reasonable, not exceeding forty years purchase for the clear yearly value of ground so laid out, and likewise such recompense as they shall think reasonable for the making of new ditches and fences on the side of the said highway that shall be so widened and enlarged, and also satisfaction to any person, body politic or corporate, that may be otherwise injured by the widening and enlarging the said highways respectively; and upon payment or of the money so to be awarded and assessed to the person, body politic or corporate, entitled to receive the same, or if it is in the hands of the clerk of the peace of such limit, in case such person, body politic or corporate, cannot be found, or refuse to accept the same, for the use of the owner of or others interested in the said ground, the interest of the said person, body politic or corporate, in the said ground shall be for ever divested out of them; and the said ground, after such verdict or verdict as aforesaid, shall be esteemed and taken to be a public highway to all intents and purposes whatsoever; nevertheless to the owner of such ground all mines, minerals, and fossils lying under the same which can or may be got by breaking the surface of the said highway, and also all timber and wood growing upon such ground, to be felled and by such owner within one month after such order shall have been made, or in default thereof to be felled by the said surveyor within the respective months aforesaid, and laid upon the land adjoining, for the benefit of the said owner; and where shall not appear sufficient money in the hands of the surveyor for the purpose aforesaid, then the said two Justices of the Peace, or agreement, or the said Court of Quarter Sessions after such verdict as aforesaid, shall direct the surveyor to make, and levy an equal rate in the same manner as the rate by this Act authorized to be made, and to pay the money to the person, body politic or corporate, so interested, in such manner as the said Justices or Court of Quarter Sessions respectively direct and appoint; and the money thereby raised shall be employed and accounted for, according to the order and direction of the said Justices or Court of Quarter Sessions respectively, for and towards the purchasing the land to widen and enlarge the said highway, and for making the said ditches and fences, and also satisfaction for the damages sustained thereby; and that no such rate to be made in any one year shall exceed one third part of the rate by this Act authorized to be levied on the rate for the repair of the highways.

III. That in case such jury shall give in and deliver a verdict for more monies as a recompense for the right, interest, or injury of any person, body politic or corporate, in such lands or grounds or for the making such fence, or for such damage as may be sustained by him as aforesaid, than what shall have been proposed and offered by the said surveyor before application to the said Court of Quarter Sessions as aforesaid, that then and in such case the costs and expenses attending several proceedings shall be borne and paid by the surveyor out of the monies in his hands or to be assessed and levied under the powers of this Act; but if such jury shall give and deliver a verdict for no more or for less monies than what shall have been so offered and proposed by the said surveyor before such application to the said Court of Quarter Sessions, then the said costs and expenses shall be borne and paid by the person, body politic or corporate, who shall have refused to accept the recompense and satisfaction so offered to him as aforesaid.

IV. That when the inhabitants in vestry assembled shall deem it expedient that any highway should be stopped up, or turned, either entirely or reserving a bridleway or footway along the whole or any part or parts thereof, the vestry, at such meeting shall, by an order in writing, direct the surveyor to apply to two Justices to view the same, and authorize him to pay all the expenses attending such view, and the stopping up, diverting, or turning such highway, wholly or subject to such reservation as aforesaid, out of the money received by him for the purposes of this Act: Provided, nevertheless, that if any other party shall be desirous of stopping up, diverting, or turning any highway as aforesaid, he or she, by notice in writing, require the surveyor to give notice to the churchwardens to assemble the inhabitants in vestry, to submit to them the wish of such person; and if such inhabitants shall agree to the proposal, the said surveyor shall apply to the Justices as last aforesaid for the purposes aforesaid; and in such case the expenses aforesaid shall be paid to such person by the said party, or be recoverable in the same manner as any forfeiture is recoverable under this Act; and the said party shall be hereby required to make such application as aforesaid.

V. That when it shall appear upon such view of such two Justices of the Peace, made at the request of the said surveyor as aforesaid, that any public highway may be diverted and turned, either entirely or subject as aforesaid, so as to make it nearer or more commodious to the public, and the owner of the lands or grounds through which such new highway is proposed to be made shall consent thereto by writing under his hand, or if it shall appear upon such view that any public highway is unnecessary, the said Justices shall direct the surveyor to affix a notice in the form or to the effect of Schedule A annexed to this Act annexed in legible characters, at the place and by the side of each end of the said highway from whence it is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same in one newspaper published or generally circulated in the county where the highway so proposed to be diverted and turned or stopped up, either entirely or subject as aforesaid, (as the case may be,) shall lie, for four successive weeks next after the said Justices have viewed such public highway, and to affix a like notice on the door of the church of every parish through which such highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any part thereof shall lie, on four successive Sundays next after the making such view; and the said several notices having been so given, and proof thereof having been given to the satisfaction of the said Justices, and a plan having been delivered to the said Justices at the same time particularly describing the old and the proposed new highway, by metes, bounds, and admeasurement of the same, which plan shall be verified by some competent surveyor, the said Justices shall proceed to certify under their hands and seals of office, after they have viewed the said highway as aforesaid, and that the proposed new highway is nearer or more commodious to the public; and if nearer, the said certificate shall state the number of yards or feet it is nearer, or if more commodious, the reasons why it is so; and if the highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the certificate shall state the reason why it is unnecessary; and the said certificate of the said Justices, with the proof and plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the certificate, be lodged with the clerk of the peace for the county in which the said highway is situated, and shall (at the next Quarter Sessions which shall be holden for the limit within which the highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the expiration of four weeks from the day of the said certificate of the said Justices having been lodged with the clerk of the peace as aforesaid,) be read by the said clerk of the peace in open court, and the said certificate, together with the proof and plan as aforesaid, as well as the consent in writing of the owner

of the land through which the new highway is proposed to be made, shall be enrolled by the clerk of the peace among the records of the said Court of Quarter Sessions: Provided always, that any person whatever shall be at liberty, at any time previous to the said Quarter Sessions, to inspect the said certificate and plan so as aforesaid lodged with the said clerk of the peace, and to have a copy thereof, on payment to the clerk of the peace at the rate of 6d. per folio, and a reasonable compensation for the copy of the plan.

LXXXVI. That in any case where it is proposed to stop up or divert more than one highway, which highways shall be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different highways in one order or certificate.

LXXXVII. Provided, That in the event of any appeal being brought against the whole or any part or parts of any order or certificate for diverting more highways than one, it shall be lawful for the Court to decide upon the propriety of confirming the whole or any part or parts of such order or certificate without prejudice to the remaining part or parts thereof.

LXXXVIII. Provided, That when any such certificate shall have been so given as aforesaid, it shall and may be lawful for any person who may think that he would be injured or aggrieved if any such highway should be ordered to be diverted, turned or stopped up, either entirely or subject as aforesaid, and such new highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary highway should be ordered to be stopped up as aforesaid, to make his complaint in writing to the Justices of the Peace at the said Quarter Sessions, upon giving to the surveyor ten days notice in writing of such appeal, together with a statement in writing of the grounds of such appeal, who is hereby required, within forty-eight days after the receipt of such notice, to deliver a copy of the same to the party by whom he was required to apply to the Justices to view the said highway; provided that in all cases where the said surveyor shall have been directed by the inhabitants of the vestry assembled to apply to such Justices as aforesaid, then the said surveyor shall not be required to deliver a copy of such notice to any party: Provided also, that it shall not be lawful for the appellant to be heard in support of such appeal, unless such notice and statement shall have been so given as aforesaid, nor on the hearing of such appeal to go into or give evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

LXXXIX. That in case of such appeal the Justices at the said Quarter Sessions shall, for the purpose of determining whether the proposed new highway is nearer or more commodious to the public, or whether the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said party appealing would be injured or aggrieved, impanel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such Quarter Sessions; and if, after hearing the evidence produced before them, the said jury shall return a verdict that the proposed new highway is nearer or more commodious to the public, or that the public highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the party appealing would not be injured or aggrieved, then the said Justices at the said Quarter Sessions shall dismiss such appeal, and make the order herein mentioned for diverting and turning and stopping up such highway either entirely or subject as aforesaid, or for diverting, turning, and stopping up of such old highway, and chasing the ground and soil for such new highway, or for stopping up such unnecessary highway either entirely or subject as aforesaid; but if the said jury shall return a verdict that the proposed new highway is not nearer or not more commodious to the public, or that the highway so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the party appealing would be injured or aggrieved, then the said Court of Quarter Sessions shall allow such appeal, and make such order as aforesaid.

XC. That the Court of Quarter Sessions is hereby authorized and required to award to the party giving or receiving such appeal such costs and expenses as shall be incurred in prosecuting or resisting such appeal, whether the same be tried or not, and such costs and expenses shall be paid by the surveyor or other party as aforesaid at whose instance the appeal was made for diverting and turning or stopping up the highway, either entirely or subject as aforesaid, shall have been given in such case the said surveyor or other party as aforesaid shall not appear in support thereof, the said Court of Quarter Sessions shall award the costs of the appellant to be paid by such surveyor or other party as aforesaid, and such costs shall be recovered in the same manner as any penalties or forfeitures are recoverable under this Act.

XCi. Provided, That if no such appeal be made, or being made shall be dismissed as aforesaid, then the Justices at the said Quarter Sessions shall make an order to divert and turn and to stop up such highway, either entirely or subject as aforesaid, to divert, turn, and stop up such old highway, and to purchase the ground and soil for such new highway, or to stop up such unnecessary highway, either entirely or subject as aforesaid, by such ways and means, and subject to such exceptions and conditions in all respects as in this Act is mentioned in regard to highways to be widened; and the proceedings thereupon shall be binding and conclusive on all persons whomsoever; and the new highways so to be appropriated and set out shall be and ever after continue a public highway to all intents and purposes whatsoever; but no old highway (except in the case of such useless highway as herein is mentioned) shall be stopped until such new highway shall be completed and put into good condition and repair; and so certified by two Justices of the Peace upon view thereof, which certificate shall be returned to the clerk of the peace, and by him enrolled amongst the records of the Court of Quarter Sessions next after the said certificate as aforesaid shall have been made pursuant to the directions hereinbefore contained.

XCII. Provided, That in every case in which a highway shall have been turned or diverted under the provisions of this Act, the parish or other party which was liable to the repair of the old highway shall be liable to the repair of the new highway without any reference whatever to its parochial locality.

XCIII. That the powers and provisions in this Act contained with respect to the widening and enlarging, diverting and stopping up any highway shall be applicable to all highways which any person, bodies politic or corporate, is or are bound to repair by reason of any grant, tenure, limitation, or appointment of any charitable gift, or otherwise howsoever; when such last-mentioned highways are so widened and enlarged, turned or diverted, the same shall and may, by the order of the Justices at the special sessions for the highways, be placed under the control and care of the surveyor of the parish in which such highways may be situate, and shall be from time to time thereafter repaired and kept in repair by the said parish.

also, that the said highways so widened, enlarged, diverted, or turned shall be viewed by two Justices of the Peace, who make a report thereof to the Justices at a special sessions for the highways; and such last-mentioned Justices shall, by order under their hands, fix the proportionate sum which shall be annually paid, or shall fix a certain sum to be paid, by person, bodies politic or corporate, his or their heirs, successors, or assigns, to the said surveyors of the parish, in lieu of after repairing the said part of the said old highway; and the order of the said last-mentioned Justices shall be and be binding on all such person, bodies politic or corporate, their heirs, successors or assigns; and in default of payment of the said surveyor shall proceed for the recovery of the same in the manner as any penalties and forfeitures are recoverable under this Act.

iv. That from and after the commencement of this Act, if any highway is out of repair or is not well and sufficiently repaired and amended, and information thereof, on the oath of one credible witness, is given to any Justice of the Peace, it may be lawful for such Justice and he is hereby authorized and required to issue a summons requiring the surveyor of the parish, or other person or body politic or corporate chargeable with such repairs, to appear before the Justices at some special sessions for the highways in the said summons mentioned, to be held within the division in which the said highway is situate; and the said Justices shall either appoint some competent person to view the same, and report thereon to the Justices at special sessions assembled, on a certain day and place to be then and there fixed, at which the said surveyor of the highway or other party as aforesaid shall be directed to attend, or the said Justices shall fix a day whereon they or any two of them shall attend to view the said highway; and if to the Justices at such special sessions, on the day and at the place so fixed as aforesaid, it shall appear, either on the report of the said person so appointed by them to view, or on the view of such Justices, that the said highway is not in a state of thorough and effectual repair, they the said Justices at such last-mentioned special sessions shall convict the said surveyor or other party liable to the repair of the said highway in any penalty not exceeding *5*l.**, and shall make an order on the said surveyor, or other person or bodies politic or corporate liable to repair such highway, by which order they shall limit and appoint a time for the repairing of the same; and in default of such repairs effectually made within the time so limited, the said surveyor, or such other person or body politic or corporate as aforesaid, shall forfeit and pay to some person to be named and appointed in a second order a sum of money to be therein stated, which shall be equal in amount to the sum which the said Justices shall, on the evidence produced before them, judge to be due for repairing such highway, which money shall be recoverable in the same manner as any forfeiture is recoverable under this Act, and such money when recovered shall be applied to the repair of such highway; and in case more parties are bound to repair any such highway, the said Justices shall direct in their said order what proportion shall be paid by each of the said parties: Provided, that if the said highway out of repair is a part of the turnpike road, the said Justices shall summon the treasurer or surveyor or other officer of such turnpike road, and the order herein directed to be made shall be made on such treasurer or surveyor or other officer as aforesaid, and the money therein stated shall be recoverable as aforesaid: Provided nevertheless, that the said Justices shall not have power to make such order as aforesaid in any case where the obligation of repairing the said highway comes in question.

v. That if on the hearing of any such summons respecting the repair of any highway the duty or obligation of such highway is denied by the surveyor on behalf of the inhabitants of the parish, or by any other party charged therewith, it shall then be lawful for such Justices and they are hereby required, to direct a bill of indictment to be preferred, and the necessary writ in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said county, or at the next General Sessions of the Peace for the county, riding, division, or place wherein such highway shall be, against the inhabitants of the parish or the party to be named in such order for suffering and permitting the said highway to be out of repair; and the costs of such prosecution shall be directed by the Judge of Assize before whom the said indictment is tried, or by the Justices at such Quarter Sessions, to be paid out of the rate made and levied in pursuance of this Act, in the parish in which such highway shall be situate: Provided nevertheless, that it shall be lawful for the party against whom such indictment shall be preferred at the Quarter Sessions as aforesaid to remove such indictment by certiorari or otherwise into His Majesty's Court of King's Bench.

vi. That no fine, issue, penalty, or forfeiture for not repairing the highway, or not appearing to any indictment for not repairing the same, shall hereafter be returned into the Court of Exchequer or other Court, but shall be levied by and paid by the hands of such person residing in or near the parish where the road shall lie, as the Justices or Court imposing such penalties, penalties, or forfeitures shall order or direct, to be applied towards the repair and amendment of such highway; and any person so ordered to receive such fine shall and is hereby required to receive, apply, and account for the same according to the direction of such Justices or Court, or in default thereof shall forfeit double the sum so received; and if any fine, issue, penalty, or forfeiture to be imposed for not repairing the highway, or not appearing as aforesaid, shall hereafter be levied on any inhabitant of such parish, township, or place, then such inhabitant shall and may make his complaint to the Justices at a special sessions for the highways; and the said Justices are hereby empowered and authorized, by warrant under their hands, to make an order on the surveyor of the parish for payment of the same out of the money receivable by him for the highway, and shall within two months next after service of the said order on him pay unto such inhabitant the money therein mentioned.

vii. That if any surveyor or other person shall be summoned before any Justice to answer any information or complaint preferred or made against him touching or concerning any offence committed or alleged to have been committed by such surveyor or other person against the provisions of this Act, or for any supposed neglect of duty, in case such surveyor or other person be convicted thereof, such Justices shall be authorized and empowered to order the payment by such surveyor or other person of all costs or proceedings against him; but in case such information or complaint shall afterwards be withdrawn or discontinued or dismissed, or if the defendant shall be acquitted of the offence or neglect of duty charged against him, it shall be lawful for such Justices to order and award that the person exhibiting or making such information or complaint shall pay to the defendant all such costs as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded, it shall be lawful for such Justices to cause the same to be levied by distress and sale of the goods and chattels of the person so ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient

to answer the sum so awarded, with such costs as aforesaid, cannot be found, it shall be lawful for such Justices to commit such person to the common gaol or house of correction, there to be kept to hard labour, for any time not exceeding one month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

XCVIII. That it shall and may be lawful for the Court before whom any indictment shall be preferred for not repairing ways to award costs to the prosecutor, to be paid by the person so indicted, if it shall appear to the said Court that the same made to such indictment was frivolous or vexatious.

XCIX. That from and after the commencement of this Act it shall not be lawful to take or commence any legal proceedings by presentment, against the inhabitants of any parish, or other person, on account of any highway or turnpike road, or of repair.

X. That no person shall be deemed incompetent to give evidence or be disqualified from giving testimony or evidence in any action, suit, prosecution, or other legal proceedings to be brought or had in any court of law or equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, by reason of being an inhabitant of the parish in which such proceedings shall be commenced, or of being a treasurer, clerk, surveyor, district surveyor, assistant surveyor, collector, or other officer appointed by virtue of this Act, nor shall such testimony or evidence for any of the reasons aforesaid be rejected or disallowed, questioned or set aside.

CI. That in all cases in which any penalty or forfeiture is recoverable before Justices of the Peace under this Act, and may be lawful for any Justice to whom complaint shall be made of any such offence to summon the party or parties against before any two Justices, and on such summons the said two Justices may hear and determine the matter of such complaint, and on proof of the offence convict the offender, and adjudge him to pay the penalty or forfeiture incurred, and to recover the same, although no information in writing shall have been exhibited or taken by or before such Justices; and such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if information in writing was exhibited.

CII. That if any person, after having been paid or tendered a reasonable sum of money for his costs, charges, and expenses, shall be summoned as a witness to give evidence before any Justices of the Peace touching any matter or fact connected with any information or complaint for any offence against this Act, either on the part of the prosecutor or the person accused, shall refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for his absence, or neglect, or appearing shall (after having been paid or tendered a reasonable sum for his costs, charges, and expenses) be examined upon oath and give evidence before such Justice of the Peace, then and in either of such cases such person shall forfeit for every such offence any sum not exceeding 5*l*.

CIII. That all penalties and forfeitures by this Act inflicted or authorized to be imposed for any offence against this Act, and all balances due from a surveyor, and all costs and charges to be allowed and ordered by the authority of this Act, in manner of levying, recovering, and applying of which is not hereby otherwise particularly directed, shall, upon conviction of the offences respectively before any two or more Justices, either by the confession of the party offending, or the oath of any credible witness or witnesses (which oath such Justices are in every case hereby fully authorized to administer), or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and execution by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, and under the hands of two or more Justices before whom the party may have been convicted (which warrant such Justices are hereby empowered and required to grant); and the overplus (if any), after such penalties, forfeitures, and charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods or chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such Justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody, or can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Justices as aforesaid, for his or their appearance before such Justices on such day or days as shall be appointed for the return of such warrant of distress, such day not being later than seven days from the time of taking such security, and which security the said Justices as aforesaid are hereby empowered to take by way of recognizance or otherwise in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that he or she has sufficient goods or chattels within the jurisdiction of such Justices sufficient whereon to levy all such penalties and forfeitures and charges, such Justices may at their discretion, without issuing any warrant of distress, commit the offender for such time, and in such and in like manner, as if a warrant of distress had been issued, and nulla bona returned thereon, a warrant of distress shall be issued, and upon the return thereof it shall appear that no sufficient distress can be had, or that to levy the said penalty, forfeiture, or fine, and costs and expenses aforesaid, and the same shall not be forthwith paid, in case it shall appear to the satisfaction of such Justices upon the confession of the offender, or otherwise, that he or she has sufficient goods and chattels whereupon such penalty, forfeiture, or fine, costs, and expenses, could be levied if a warrant of distress were issued, such Justices shall not be required to issue such warrant, but in such case such Justices as aforesaid, by warrant under their hands, to cause such offender or offenders to be committed to the common gaol or house of correction of the county, riding, or place where the offender shall be or reside, there to be kept to hard labour, for any time not exceeding three calendar months unless such penalties, forfeitures, and fines, and all reasonable charges attending the same shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid, the one half to the surveyor and the other half to the surveyor of the parish where such offence, neglect, or default shall happen, to be applied to the repair of the highways thereof, unless otherwise directed by this Act; but in case the surveyor shall be the informer, the whole shall be applied towards the repair of such highway.

CIV. That where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any default or irregularity in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity which shall be afterwards done in making the distress, but the person aggrieved by such irregularity may recover

for the special damage in an action on the case: Provided always, that no plaintiff shall recover in any action for trespass, or wrongful proceedings, if tender of sufficient amends shall be made by or on behalf of the party who have committed or caused to be committed any such irregularity, trespass, or wrongful proceedings, before such judgment; and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action to move the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings or orders and judgment shall be had, made, and given in and by such court: and other actions where the defendant is allowed to pay money into court.

And if any person shall think himself aggrieved by any rate made under or in pursuance of this Act, or by any order, judgment, or determination made, or by any matter or thing done, by any Justice or other person in pursuance of this Act, or for which no particular method of relief hath been already appointed, such person may appeal to the Justices at General or Quarter Sessions of the Peace to be held for the county, division, riding, or place wherein the cause of such appeal shall arise, such appellant first giving or causing to be given to the surveyor or surveyors, or to such Justice or other person whose act such person shall think himself aggrieved, notice in writing of his intention to bring such appeal, together with a statement in writing of the grounds of such appeal, within fourteen days after such rate shall have been made or cause shall have arisen, and within four days after such notice entering into a recognizance before some Justice, with sufficient sureties, conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the Justices at such General or Quarter Sessions; and such Justices, upon hearing and finally determining the matter of such appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think fit; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever: Provided nevertheless, that in case there shall not be time to give such notice and enter into such recognizance as aforesaid before the next sessions to be holden after the making of any rate or the cause of complaint shall arise, then and in every such case such appeal may be made to the next following sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the appellant to be heard in support of such appeal, unless such notice shall have been so given as aforesaid, nor on the hearing of such appeal to go into evidence of any other grounds than those set forth in such statement as aforesaid.

And in all cases of appeal against the rate or assessment made in pursuance of this Act the several provisions and enactments contained in a certain Act, 41 Geo. 3. c. 23, intituled, 'An Act for the better Collection of the Rates made for the Poor,' shall be applicable thereto, as if the same had been repeated and re-enacted in this Act with respect to such appeal.

And no rate, nor any proceeding to be had touching the conviction of any offender against this Act, or any order made under or in pursuance of this Act, or any matter or thing done or transacted in or relative to the execution of this Act, shall be vacated or quashed, nor shall any writ or process be issued to remove or removeable (except as herein mentioned) by certiorari, or any other writ or process whatsoever, out of His Majesty's courts of record at Westminster.

And in any case of appeal the Court of Quarter Sessions before whom the same is heard and determined may, if they think fit, cause the facts specially for the determination of His Majesty's Court of King's Bench thereon, in which case it shall be lawful to remove the proceedings, by writ of certiorari or otherwise, into the said Court of King's Bench.

And no action or suit shall be commenced against any person for anything done in pursuance of or under the authority of this Act, until twenty-one days notice has been given thereof in writing to the Justice, surveyor, or person against whom such action is intended to be brought, nor after sufficient satisfaction or tender of satisfaction has been made to the party or parties against whom such action shall be brought, nor after three calendar months next after the fact committed for which such action or suit shall be so brought; and no action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place than in which the defendant in such action or suit may plead the general issue, and give this Act and every special matter in issue in any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by authority of this Act, or if it shall appear that such action or suit was brought before twenty-one days notice thereof given as aforesaid, that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant; and if a verdict shall be found for such defendant or if the plaintiff in such action or suit shall become nonsuit, or shall discontinue such action, or if, upon any demurrer, in such action, judgment shall be given for the defendant, then and in any of the cases aforesaid such defendant shall have costs as between attorney and client, and shall have costs for recovering the same as any defendant may have for his or her costs in any other case by law.

And the several fees hereafter limited and expressed, and no others, shall be taken by the clerk of the peace, clerk to the Justices, or others, for their several respective services in the execution of this Act; (that is to say,) the sum of 6d. for every summons or warrant; the sum of 1s. for every summons or warrant, and 6d. for the service thereof; the sum of 6d. for every order, and 6d. for the service thereof; the sum of 1s. for every order, and 6d. for the service thereof; the sum of 2s. for every appointment; and the sum of 2s. for every conviction: Provided always, that in relation to the recovery of any rate shall be less than the fees hereinbefore mentioned, shall it be lawful for such clerk or others to demand or take a greater fee for any similar proceeding under this Act than the fee which may be directed to be taken by such local Act.

And if the inhabitants of any parish shall agree at a vestry to defend any indictment found against any such person for any offence against this Act, or to defend any appeal, it shall and may be lawful for the surveyor of such parish to charge in and pay the reasonable expenses incurred in defending such prosecution, or prosecuting or defending such appeal, after all have been agreed to by such inhabitants at a vestry or public meeting as aforesaid, and allowed by two Justices of the Peace within the division where such highway shall be; which expenses, when so agreed to or allowed, shall

be paid by such pariah out of the rates, forfeitures, payments, and rates authorized to be collected and raised by virtue of this Act; Provided nevertheless, that if the money so collected and raised is not sufficient to defray the expenses of repairing highways in the said pariah, as well as of defending such prosecution, or prosecuting or defending such appeal as the said surveyor is hereby authorized to make, collect, and levy an additional rate in the same manner as the rate by which he is authorized to be made for the repair of the highway.

CXXI. That nothing in this Act contained shall be construed to abridge, repeal, alter, amend, or interfere with the provisions contained in an Act, 57 Geo. 3. c. 29, intituled, 'An Act for better paving, improving, and regulating the streets of the Metropolis, and removing and preventing Obstructions therein,' or the powers and provisions contained in any Act to any particular pariah or place for any of the purposes in this Act mentioned.

CXXII. That nothing in this Act contained shall apply to any turnpike roads, except where expressly mentioned, roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, or pavements, which are or may hereafter be paved, repaired, or cleansed, broken up, or diverted, under by virtue of the provisions of any personal Act or Acts of Parliament.

CXXIII. That nothing in this Act contained shall extend to alter or in any manner to affect any of the rights or privileges of the Universities of Oxford or Cambridge, or any of the powers vested by charter or otherwise in the chancellors, masters, scholars, and their successors, of the said Universities.

CXXIV. That nothing in this Act contained shall extend to alter or in any manner affect the city of London, and the liberties thereof, or the rights, interests, privileges, franchises, or authorities of the mayor and commonalty and citizens of the said city, or their successors, or the Lord Mayor and aldermen of the said city, or the Lord Mayor of the said city for the time being as Conservator of the River Thames or otherwise, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this Act the said Mayor and commonalty and citizens, the said Lord Mayor and aldermen of the said city, or the said Lord Mayor for the time being as Conservator of the River Thames or otherwise might lawfully claim, use, or exercise by any Act of Parliament or otherwise, or to vary or alter any of the provisions or regulations thereby made, directed, or provided, within the said city of London and the liberties thereof, anything herein to the contrary thereof in anywise notwithstanding.

CXXV. That nothing in this Act contained shall extend to alter or in any manner affect the provisions of an Act, 1 Geo. 4. c. 61, intituled, 'An Act for regulating the Repairs of Bridges in the County of Montgomery,' so far as the same relate to the repairs of so much of the highways as lie next adjoining to any ends of any bridges within the said county of Montgomery of which have already been made chargeable upon the rates of the said county under the provisions of the said recited Act.

CXXVI. That nothing in this Act contained shall extend to or be deemed or construed to extend to alter, affect, or abridge the powers or authorities given to the Commissioners of Sewers by any Act of Parliament whatsoever, or to alter any of the provisions or regulations thereby made, directed, or provided, anything herein contained to the contrary in anywise notwithstanding.

CXXVII. That the forms of proceedings relative to the several matters contained in this Act, which are set forth and in the Schedule hereto annexed, shall be used upon all occasions, with such additions or variations only as may be necessary to adapt them to the particular exigencies of the case; and that no objection shall be made or advantage taken for want of conformity in any such proceedings by any person whomsoever.

CXXVIII. That this Act shall commence and take effect from and after the 20th of March 1836.

CXXIX. That this Act may be altered, amended, or repealed in this present session of Parliament.

The SCHEDULES (stating the Forms) to which this Act refers.

No. 1.

Notice to Person of his having been elected Surveyor.

Take notice, that you were, at a Meeting held at [insert the Name of the Parish, &c.] on the Day of
elected and chosen Surveyor [or One of the Surveyors] of the Highways for the said [Parish, &c.]

ear ensuing.
ed the
B. of
Day of
C. D. Chairman.

No. 2.

Appointment of Surveyor with Salary.

Meeting of the Inhabitants of in Vestry assembled at on the
Day of A. B. was nominated, elected, and appointed as Surveyor of such Parish,
purpose of carrying into execution the Provisions of an Act passed in the Fifth and Sixth Year of the Reign of King
the Fourth, intituled "An Act," &c. [here set out Title of Act], for the Year ensuing; and the Salary to be allowed
A. B. was fixed at the Sum payable on
Day of

C. D. Chairman.

No. 3.

Appointment of Surveyor by Justices.

At a Special Sessions for the Highways held at in the Division, &c. of by
Justices of the Peace for the said County acting within the said Division, &c. on the Day

as it hath appeared to us the said Justices, on the Oath of A. B. an Inhabitant of the Parish of
Inhabitants of the said Parish in Vestry assembled have neglected [or refused] to nominate and elect a Surveyor in
for the Purposes mentioned in a certain Act made and passed in the Fifth and Sixth Year of the Reign of King
the Fourth, intituled "An Act," &c. [here set out Title of Act], [or that the Surveyor appointed by the Inhabitants of the
is dead, or has ceased to possess the Qualification required by the said Act, or has become disqualified, or has
to act, or has refused to carry into operation the Duties imposed upon him by the said Act], we do therefore hereby
A. B. of
Surveyor for such Parish for the Year ensuing [or for the Space of
for your Trouble; and you the said C. D. are faithfully and truly to execute the Office of
according to the Directions of the said Statute.

under our Hands the Day and Year first above mentioned.

E. F.
G. H.

No. 4.

Form of Highway Rate.

Names of Occupiers or Persons rated.	Description of the Premises and Property rated.	Annual Value.			Sums assessed at 10d. in the Pound.		
		£.	s.	d.	£.	s.	d.
A. B.	House and Garden	5	0	0	0	4	2
C. D.	A Farmhouse, Lands, and Build- ings.	100	0	0	4	3	4
E. F. and so forth.	A Warehouse	20	0	0	0	16	8

A. B. } Surveyor [or Surveyors] of the
C. D. } Parish of

Weekly Account of Money expended on the Highways of the Parish of
to the
and
Day of

One thousand eight

Day Labour, and when performed.	Labourer's Names.	No. of Days.	Rate per Day.	—	Team Work, and where done.	Rate.	—	Total Weekly Expenditure
				£. s. d.			£. s. d.	
								Day Labour
								Contract Work
								Materials
								Team Work
Work executed by Contract	Persons' Names.	No. of Days.	Rate per Day.	—	Tradesmen's Bills.	No.	—	Tradesmen's Bills.
				£. s. d.			£. s. d.	
					Rent of Pits and Quarries.	Name.	—	Rent of Pits and Quarries
							£. s. d.	
Materials got and prepared, and from whence.	Parties' Names.	Quantity.	Rate per	—				
				£. s. d.				
					Incidental Expenses.		—	Incidental Expenses
							£. s. d.	
								£

No. 6.

Notice of Intention to make Highway.

I do hereby give you Notice, That after the Expiration of Three Calendar Months from the Date hereof I [or if
Clerk, &c. of a Body Politic or Corporate describe them,] do intend to make a certain Highway in the Parish of
[describing its Situation and Extent,] and to dedicate such Highway to the Use of the Public.

Dated this Day of

To E. F., &c.
Surveyor of the Parish of

A. B.
OF
C. D. [Clerk]

No. 7.

Certificate of Justices of Highway having been made in a substantial Manner, &c.
 Two of the Justices of the Peace in and for the County of _____ having viewed a certain Highway
 do hereby certify, That the same has been made in a substantial Manner, and of the Width required by a certain Act
 passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [here set out
 the Title of Act]
 This _____ Day of _____
 C. D.
 E. F.

No. 8.

Notice to remove Snow, &c.
 Justice of the Peace in and for the County of _____ do hereby give you, the Surveyor [or
 of the Parish of _____ Notice, that the Highway, leading from _____ to _____
 its Situation] is obstructed or impeded from the Accumulation of Snow [or from the falling down of the Banks on
 the said Highway, &c., as the Case may be,] and require you to cause the same to be removed.
 This _____ Day of _____
 D. and E. F. &c.
 Surveyors of the Parish of _____ } A. B. of, &c.

No. 9.

*to be filled up by the Surveyors of Highways of all Parishes, and presented by them, with their Accounts, to the
 Magistrates, at the End of every Year.*

Roads and Highways	{
Bridges	{
Causeways	{
Hedges and Ditches	{
Watercourses	{
Nuisances	{
Encroachments	{
Extent of Roads and Highways the Parish is liable to	{
the Repair of	{
Portion thereof has been repaired, and where	{
Materials were used for such Repairs	{
Expense of such Repairs	{
Amount levied during the Year	{

No. 10.

*from Justices at Special Sessions for the Highways for a Surveyor to dig, &c. Materials upon inclosed Lands, for
 the Repair of Highways.*

To the Surveyor of the Parish of _____ in the Hundred of _____ in the said County.
 by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c.
 Title of Act] the Surveyor is authorized to dig, get, take, and carry away Materials lying upon any Lands or

Ground within the Parish for which he is appointed, for the Use and Benefit of the Highways, but not without the Consent of the Occupier or Owner of such Lands or Grounds, or his Agent, or a Licence from the Justices at a Special Session of the Highways: And whereas it appears to us that the said *A. B.* hath applied to *A. B.* of the Parish of *B.* for his Consent to dig, and carry away Materials from the Lands called or known by the Names of *and* *and* in his Occupation [or of which he is the Owner, or in the Occupation of *J. K.*, or of which *J. K.* is the Owner, or *A. B.* his Agent], within the said [Parish, &c.], for the Purposes aforesaid, and that the said Materials are necessary for the repairs of the Highways, and that the said *A. B.* hath refused to permit the same to be dug, got, taken, and carried away by the said *A. B.* having been duly summoned to appear before us, to shew Cause why such permission should not be granted, and having appeared before us accordingly, [or having sent his Steward or Agent, or *C. D.* on his Behalf, to attend the Occasion, or, but not having appeared,] we have heard what has been alleged, and taken the said Matter into consideration, and are of opinion that the said Materials are necessary, and ought to be dug, got, taken, and carried away for the Purpose said: Therefore we do hereby give our Licence to the said Surveyor [or Surveyors] to dig, get, take, and carry away accordingly, the said Surveyor making Satisfaction for the same, and also for the Damage done to such Lands, in the manner directed by the said Act. Given under our Hands the Day of _____ One thousand eight hundred and _____

No. 11.

Licence from Justices at a Special Sessions for the Highways to get Materials for the Repair of the Highways within the said Parish besides that wherein such Materials are to be employed.

At a Special Session for the Highways held at _____ in the Hundred, &c. of _____ (to wit.) } in the said County, by Justices of the Peace for the said County acting within the said Hundred, _____ Day of _____

It appearing to us, upon Evidence this Day received, that sufficient Materials cannot conveniently be had within the said Land, Common Grounds, Rivers, or Brooks, nor in the inclosed Lands or Grounds, lying within the [Parish, &c.], nor in the said Hundred, for the Repairs of the Highways within the said [Parish], nor in the said Lands, Common Grounds, Rivers, or Brooks within the [Parish] of _____ adjoining to the said [Parish] of _____ we do hereby give our Licence to the Surveyor [or Surveyors] of the said [Parish] of _____ to search for, dig, get, and carry Materials within the inclosed Lands or Grounds of *C. D.* within the said [Parish] of _____ to be employed in the Repair of the Highways within the said [Parish] of _____ appearing from Evidence before us, that there are proper Materials within the said Lands for the Purposes aforesaid, and that after such Materials shall be so taken there will be sufficient left for the Repair of the Highways within the said Parish of _____ upon the said Surveyor [or Surveyors] making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the Act made and passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act," &c. [here set out Title of Act,] subject to such Restrictions as are therein contained. Given under our Hands the Day and Year above written.

No. 12.

Information to enable Justices to fix Boundaries of Highway lying in Two Parishes.

County of _____ At a Special Sessions for the Highways holden, &c.

I. S., the Surveyor [or One of the Surveyors] of the Parish of *A.*, came before the Justices aforesaid, and informed that there is in the said County a certain common Highway leading from *M.* to *N.*, and that there is a certain Part of the said Highway, that is to say, so much thereof as lies between a certain Place called *C.* and a certain other Place called *D.* of the Length of _____ [as the Case may be], one Side of which last-mentioned Part of the said Highway adjoins to the Parish of *A.* lies within the said Parish of *A.*, and is to be and of right ought to be repaired by the said Parish of *A.*, &c., describing the Body Politic or Corporate, or Person, liable to the Repair, and that the other Side of the same Part of the said Highway adjoining to the Parish of *B.* lies within the Parish of *B.*, and is to be and of right ought to be repaired by the Parish of *B.* [or by, &c.], and stating that the Repair of such Part of the said Highway is very inconvenient to the said Parishes, and the Want thereof detrimental to the Public; and therefore praying, that such Part of the said Highway should be allotted and apportioned for the Repair thereof by the Justices aforesaid to the said several Parishes of *A.* and *B.* in the Manner directed by an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act," &c. [set out Title of Act.]

The above Application was made to us the _____ Day and Year first above written.

(Signed)

I. S. One of the Surveyors of Parish of _____

J. P.
K. P.

No. 12.

Summons to be submitted to a Copy of the above Information.

To the Surveyor [or Surveyors] of the parish of B. in the said County, any or either of them, I, the Justice of the Peace for the said County, do hereby give notice, that as a certain Information has been given to us, His Majesty's Justices of the Peace for the said County at a Special Session of the Highways, by J.S., the Surveyor [or one of the Surveyors] of the Parish of A. in the said County, a true Copy of the same is above written: These are, in His Majesty's Name, to summon you, any or either of you, to appear before us, at the Day of _____ in the said County, on the _____ to shew Cause (if any) why an Allotment of the Highways therein mentioned should not be made according to the Provisions of the Act referred to in the said information. Hereof fail not. Given under our Hands this _____ Day of _____

J. P.
K. P.

No. 14.

Final Order and Adjudication, to be filed with the Clerk of the Peace.

—State the original Application.
—The Summons.
—The Appearance, and that the Parties were heard, or their Non-appearance.

The Justices aforesaid, having fully heard and understood the Premises, do declare, adjudge, and order, that the said Highway shall be divided in the following Manner: (that is to say,) that at the Distance of _____ measuring from the Place called C., there shall be erected certain Posts or Stones, E. and F., on each Side of the said Highway, and the whole of the said Highway from the Place called C. to such Posts or Stones shall be from Time to Time and at all Times hereafter by the Parish of A. [or by, &c.], and the whole of the said Highway from such Posts or Stones to the Place called D. from Time to Time and at all Times hereafter be repaired by the Parish of B. [or by, &c.] in witness whereof we have hereunto set our Hands this _____ Day of _____

J. P. (J.S.)
K. P. (L.S.)

No. 15.

Notice from Surveyor to remove Nuisances.

Whereas the Directions given by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act, &c.", the Surveyor [or One of the Surveyors] of the Parish of _____ do hereby give notice, that he has caused to be placed by you on a certain Part of the King's Highway, to wit, to remove the [Filth, Dung, Ashes, Rubbish, &c.] placed by you on a certain Part of the King's Highway, between _____ and _____ in the [Parish] of _____ to the Obstruction and Annoyance of the Highway.

Day of _____

A. B. &c.

No. 16.

Order of Two Justices for widening a Highway.

Two of His Majesty's Justices of the Peace for the said County, acting within the said County, having, upon view, found that a Highway, to wit, the Highway between _____ and _____ in the [Parish, &c.] of _____ of the Length of _____ Yards or thereabouts, and particularly described in the Plan hereunto annexed, is so narrow, but may be conveniently enlarged and widened by adding thereto from the Lands and Grounds of _____ of the Length of _____ Yards or thereabouts, and of the Breadth of _____ Feet or thereabouts, particularly described in the Plan hereunto annexed, which we think will widen and be much more commodious to the Public, do hereby order, that the said Highway be widened and enlarged accordingly, and that the Surveyor [or Surveyors] of the [Parish, &c.] of _____ where the said old Highway lies, do proceed to treat and make Agreement with the said _____ and _____ for the Recompense to be made by pursuing such Measures and Directions, in all respects as are warranted and prescribed by the Statute made in the Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c.; and in case such Agreement shall be made as aforesaid, we do order an equal Assessment, not exceeding the rate of _____ in the Pound, to be made, and collected upon all and every the Parties liable to the Payment of the Highway Rate in the said [Parish, &c.] of _____ and that the Money arising thereupon be paid and applied in making such Recompense and Satisfaction as pursuant to the Directions of the said Act.

A. B.
C. D.

No. 22.

Form of Conviction.

Be it remembered, That on the Day of in the Year of our Lord at in the County aforesaid, A. B. came before us of His Majesty's Justices of the Peace of said County, and informed us, that E. F. of on the Day of now last past, in the said County, did [set forth the Fact in the manner described by the Act], whereupon the said E. F., after being duly summoned to answer the said Charge, appeared before us on the Day of in the said County, and, having heard the Charge alleged against him, declared that he was not guilty of the said Offence; the same being fully proved upon the Oath of G. H. a credible Witness, it manifestly appears to us the said Justices that the said E. F. is guilty of the Offence charged upon him in the said Information: It is therefore considered and adjudged by the said Justices, that the said E. F. be convicted, and we do hereby convict him of the Offence aforesaid; and we do declare and adjudge that he the said E. F. hath forfeited the Sum of of lawful Money of Great Britain the said Offence aforesaid, to be distributed as the Law directs, according to the Form of the Statute in that Case made and made. Given, &c.

When the Party refuses to appear upon the Summons—after the Words "being duly summoned to answer the said Charge," "did not appear before us pursuant to the said Summons," or "did neglect and refuse to make any Defence against the Charge;" but the same being fully proved, &c., as before.]
When the Party accused confesses the Charge—after the Words "Charge alleged against him," insert "acknowledged and fully confessed the same to be true;" and it manifestly appears to us the said Justices &c., as above.]

No. 23.

Warrant to distrain for the Forfeiture.

To the Constable [Headborough or Tithingman] of in the said County [Yeoman, &c.] is this Day convicted before us, Two of His Majesty's Justices of the Peace in and for the said County, upon the Oath of G. H. a credible Witness, for that the said A. B. hath [here set forth the Offence, describing it particularly in the words of the Act, as near as may be], contrary to the Statute in that Case made and provided; by reason whereof the said A. B. hath forfeited the Sum of to be distributed as herein is directed, which he hath refused to pay: These are therefore in His Majesty's Name to command you to levy the said Sum by Distress of the Goods and Chattels of him the said A. B.; and if within the Space of Four Days next after the said Distress by you taken, the said Sum of together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels as by you distrained, and out of the Money arising by such sale you do pay one half of the said Sum of to E. F. of who informed me of the Offence, and the other half of the said Sum of to I. K. the Surveyor of the Pariah [Township or Place] where the said Offence was committed or Default happened, to be employed towards the Repair of the said Highways, returning the Overplus, upon demand, to him the said A. B., the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if sufficient Distress cannot be found of the Goods and Chattels of the said A. B. whereon to levy the said Sum of then you certify the same to us, together with this Warrant.
Under our Hands the Day of

C. D.
E. F.

No. 24.

Return of the Constable to be made upon the Warrant of Distress when there are no Effects.

I, B., Constable of the [Parish, &c.] of in the County of do hereby certify and make Oath, That upon the issue of this Warrant I have made diligent Search for the Goods of the within-named A. B. and that I can find no sufficient Goods whereon to levy the within Sum of
Witness my Hand the Day of
before me the Day and Year, &c.
C. D.

A. B.

No. 25.

Commitment for Want of Distress.

To the [Constable] of in the said County, and to the Keeper of the Common Gaol [or House of Correction] at in the said County.
Whereas A. B. of in the said County, Yeoman, was on the Day of convicted by us, Two of His Majesty's Justices of the Peace in and for the said County, upon the Oath of E. F. a credible Witness, that he the said A. B. [here set forth the offence], contrary to the Statute made in the Fifth and Sixth Year of the Reign of

King William the Fourth, intituled "An Act," &c. [here set out Title of Act.] by reason whereof the said A. B. hath the Sum of _____; And whereas on the _____ Day of _____ in the Year aforesaid we did in Distress and Sale of the Goods and Chattels of him the said A. B., and to distribute the same according to the Directions of the said Statute: And whereas appears to us upon the Oath of the said [Constable] that the said [Constable] hath used his best endeavours to levy the Sum on the Goods and Chattels of the said A. B. as aforesaid, but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you the said [Constable] of _____ aforesaid to apprehend the said A. B. in the said County, and there deliver him safely convey to the Common Gaol [or House of Correction] at _____ in the said County, and there detain your Custody, and to keep to hard Labour, the said A. B. for the Space of _____ unless the said Sum shall be paid, pursuant to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant.

Given under our Hands the _____

Day of _____

in the Year of our Lord _____

CAP. LI.

AN ACT for granting Relief to the Island of *Dominica*; and to amend an Act of the Second and _____ Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills for a limited Amount for the Purposes therein mentioned.

(31st August 1841)

ABSTRACT OF THE ENACTMENTS.

1. Treasury may issue 12,000*l.* out of Consolidated Fund for relief of the sufferers by the hurricane at *Dominica*.
2. Commissioners under 2 & 3 Will. 4. c. 125, to advance out of the sum of 1,000,000*l.* to them issued, 80,000*l.* for the relief of *Dominica*; 10,000*l.* of which may be appropriated for the public service on certain conditions.
3. Purposes for which the 80,000*l.* shall be advanced.—Not less than 300*l.* to be advanced in any case.
4. Advances under this Act to be made in the same manner as advances under recited Act.
5. Provisions of recited Act to extend to this Act.
6. Act not to prevent Commissioners making loans under recited Act.
7. Commissioners may appoint Commissioners in aid.
8. Commissioners may send and receive letters free of postage.
9. Commissioners may reconvey securities on payment of the money secured, &c.
10. Where mortgages made to His Majesty include slaves, it shall not be necessary for him to make claim for compensation under 3 & 4 Will. 4. c. 75.
11. Act may be altered this session.

By this Act,

After reciting that in consideration of the heavy losses which have been sustained in the island of *Dominica*, by the sequence of hurricanes, it is expedient that immediate relief should be granted to the inhabitants of that island:—

It is Enacted,

1. That it shall and may be lawful for the Lord High Treasurer, or any three or more of the Commissioners of His Majesty's Treasury, for the time being, by any warrant or warrants under his or their hands, to direct any sum or sums not exceeding 12,000*l.* in the whole to be issued and paid out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the immediate relief of the inhabitants of the said island of *Dominica* who have suffered loss by the sequence of the late hurricanes there; and such sum or sums not exceeding 12,000*l.* in the whole shall and may be so issued and paid out of and charged upon the said Consolidated Fund, and under such conditions and restrictions, as the Lord High Treasurer or Commissioners of His Majesty's Treasury shall think fit to direct.

And after reciting that by an Act, 2 & 3 Will. 4. c. 125, it was lawful for His Majesty, in consideration of the heavy losses which had been sustained in the islands of *Jamaica*, *Barbadoes*, *Saint Vincent's*, and *Saint Lucie*, in consequence of insurrections in the island of *Jamaica* and of hurricanes in the other islands, to authorize and empower the Commissioners of His Majesty's Treasury to direct any number of Exchequer bills to the amount of 1,000,000*l.* to be issued to certain persons constituted and appointed by that Act, to be by them advanced, under certain regulations and restrictions, in the manner therein mentioned, for the assistance and accommodation of the said islands, and of such persons having business therein and connected therewith or trading thereto as should be desirous of receiving the same, on due security being given for the repayment of the sums so advanced within a limited time: And that the said Commissioners, in the execution of the said Act, have lent and advanced divers sums of money in the manner by the said Act authorized, and that the said sums not yet disposed of the whole sum of 1,000,000*l.* by the said Act authorized to be advanced: And that for the reasons therein mentioned, it is expedient that provision should be made for granting further relief to the said island of *Dominica*;

It shall and may be lawful for the Commissioners acting in the execution of the said recited Act to advance any sum not exceeding in the whole 80,000*l.* of Exchequer bills, for the assistance and accommodation of the said island of Dominica, out of such part of the said sum of 1,000,000*l.* Exchequer bills by the said Act authorized to be issued which has not been or shall not hereafter be paid, advanced, or lent by the said Commissioners; and it shall and may be lawful for the said Commissioners to appropriate any sum or sums, not exceeding in the whole 80,000*l.* to the said island of Dominica, any part of the said sum of 80,000*l.* not exceeding 10,000*l.* shall and may be advanced by the said Commissioners to such persons as may be duly authorized and appointed by any Act passed or to be passed by the legislature of the said island of Dominica to borrow the same for the public service and on the credit of the revenues or public property of the said island, the said Commissioners being satisfied that the said sum so to be advanced, together with interest thereon at the rate of five per centum per annum, is duly secured by some Act passed or to be passed by the legislature of the said island.

That the said sum of 80,000*l.* of the said Exchequer bills, after deducting therefrom such part (if any) as shall be lent for the public service of the said island of Dominica, shall be advanced and lent by the said Commissioners for the purpose of enabling the owners of and persons interested in the estates and property which have sustained injury in the said island from hurricanes to resume the cultivation and habitation of such estates and property, and the manufacture of the produce of such estates, by repairing the works and machinery destroyed or injured, and providing the requisite contingencies and supplies for such estates, the apprenticed labourers belonging thereto, and restoring (as far as the same can be accomplished) such estates and property in condition in which the same were before the said injuries were sustained: Provided always, that the amount so to be advanced and lent to such owners of estates and property, and persons interested therein, in the said island of Dominica, shall not in any case be less than the sum of 300*l.* anything in the said in part recited Act to the contrary notwithstanding.

That all such advances shall be made in such and the same manner, and under and subject to such and the same conditions, provisions, and restrictions, and on such securities, and in all respects whatsoever as is provided and directed by the said recited Act with regard to advances to be made to owners and persons interested in the estates in the said islands of Jamaica, Barbadoes, Saint Vincent's, and Saint Lucie, and in all respects whatsoever, so far as the same can be made applicable and are not varied by this Act, as if the said island of Dominica had been included in the said Act as one of the islands so relieved, and as if the said Commissioners had been by the said Act authorized to appropriate to the said island of Dominica such a portion of the said 1,000,000*l.* of Exchequer bills as is hereby directed to be apportioned to the said island of Dominica.

That all and every the several clauses, powers, provisions, enactments, penalties, and restrictions in the said Act contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and nothing to be done in pursuance of this Act, and as if all such clauses, powers, provisions, and enactments were herein made and made applicable to the said island of Dominica, and to the loans and grants to be made in pursuance of this Act, in every matter and thing to be done in pursuance of this Act; and all and every the securities to be taken in pursuance of this Act shall be taken in such manner as by the said Act is directed with respect to the securities thereby authorized or directed to be taken; and all and every such securities shall have such force, priority, and effect in all respects as if they were made or to be made by the said Commissioners shall apply to the said island of Dominica, and the loans to be granted in pursuance of this Act, in all respects whatsoever, as if the loans hereby authorized to be made were authorized by the said Act.

Provided, That nothing herein contained shall prevent the said Commissioners from making, at any time after the passing of this Act, any loan or advance to any of the owners of estates or other persons interested therein in the islands of Jamaica, Barbadoes, Saint Vincent, and Saint Lucie in pursuance of the said in part recited Act.

That it shall be lawful for the said Commissioners for the time being to appoint Commissioners in the said island of Dominica to act in their aid and under their directions, as in the said in part recited Act is provided with regard to Commissioners to be appointed in the islands in that Act mentioned.

after reciting that it was by the said in part recited Act enacted, that the said Commissioners should receive and send by the general post from and to places within the United Kingdom all letters and packets relating solely and exclusively to the execution of the said Act, free from the duty of postage, under the regulations and in manner in the said Act provided; and it shall be lawful to extend such privilege:—

It is Enacted,

That the said Commissioners shall and may receive and send, by the general post or otherwise, not only from and to places within the United Kingdom, but also from and to places within any of His Majesty's colonies or dominions, all letters and packets relating solely and exclusively to the execution of the said recited Act or this Act free from the duty of postage, nevertheless to the provisions and regulations in the said Act contained with respect to the letters and packets thereby authorized to be sent and received free from the duty of postage.

That it shall be lawful for any two or more of the said Commissioners acting in the execution of the said in part recited Act to re-convey or re-assign all or any of the securities taken or to be taken to His Majesty or otherwise under the authority of the said in part recited Act or of this Act, or any of them, on payment of the monies thereby secured, or to release the same from the estates or effects charged as a security for any loan made or to be made, in case the said Commissioners shall think fit that any of the securities for the same should be released, either on the substitution of any further or other security, or in any case where any mortgages or other securities may have been made to His Majesty in pursuance of the said in part recited Act, and which said mortgages or other securities included any slaves, it shall not be lawful to release the same.

That in any case where any mortgages or other securities may have been made to His Majesty in pursuance of the said in part recited Act, and which said mortgages or other securities included any slaves, it shall not be lawful to release the same.

be necessary for His Majesty, or any person on his behalf, unless the said Commissioners shall think fit, to make a to the monies payable by way of compensation for the services of such slaves, under or by virtue of the provisions of 3 & 4 Will. 4. c. 73, for the abolition of slavery throughout the British colonies; and that where no claim shall be made by or on the behalf of His Majesty, such compensation money shall be in all respects freed and discharged from all demand whatsoever of His said Majesty: Provided nevertheless, that the omission to make such claim by or on behalf of His Majesty shall not in anywise prejudice or affect any security made to His Majesty, or the priority obtained thereby, the plantations, estates, or other property comprised in such security.

xr. That this Act, or any of the provisions thereof, may be amended, altered, or repealed by any Act or Acts in this session of Parliament.

CAP. LII.

AN ACT to authorize the Court of Directors of the *East India Company* to suspend the Execution of the Provisions of the Act of the Third and Fourth *William the Fourth*, Chapter Eighty-five, so far as relate to the Creation of the Government of *Agra*.

(31st August

By this Act,

After reciting that by an Act, 3 & 4 Will. 4. c. 85, it is among other things enacted, that the territories then the government of the presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of which, in which shall be included Fort William aforesaid, to be styled the presidency of Fort William in Bengal, other of such presidencies to be styled the presidency of *Agra*; and that much difficulty has arisen in carrying such into effect, and the same would be attended with a large increase of charge:—

It is Enacted,

I. That it shall and may be lawful for the Court of Directors of the *East India Company*, under the direction and of the Board of Commissioners for the affairs of India, to suspend the execution of the provisions of the said in part of the Act so far as the same relate to the division of the said territories into two distinct presidencies, and to the measure thereupon, for such time and from time to time as the said Court of Directors, under the direction and control of the Board of Commissioners, shall think fit.

II. That for and during such time as the execution of such provisions aforesaid shall be suspended by the authority of the said Court of Directors, it shall and may be lawful for the Governor General of India in council to appoint from time to time any servant of the *India Company*, who shall have been ten years in their service in India, to the office of Lieutenant Governor of the western provinces now under the presidency of Fort William in Bengal, and from time to time declare and limit the territories so placed under such Lieutenant Governor, and the extent of the authority to be exercised by such Lieutenant Governor as to the said Governor General in council may seem fit.

CAP. LII.

AN ACT to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British Possessions* on the Coast of *North America*; and to make further Provision for regulating the Carriage of Passengers from the United Kingdom.

(31st August

ABSTRACT OF THE ENACTMENTS.

1. Repeal of recited Act, except as to penalties incurred, and to rights of action which may have accrued.
2. No ship to sail with more than three persons on board for every five tons of burthen.—Ships carrying passengers to be of five feet and a half between decks.—When only two tiers of berths, the floor of the lower tier to be six inches above the keel.
3. Regulating the quantity of water and provisions to be carried by every vessel with passengers on board.
4. Computed number of weeks requisite for voyage of vessel.
5. Officers of Customs to examine provisions and water before departure of vessel.
6. A table to be made of the prices of provisions to be sold on board.
7. Soundness of the ship may be ascertained by survey.

at, before any such ship shall be cleared out for the voyage, the officers of the Customs shall survey, or cause to be surveyed, by some competent person, the provisions and water hereinbefore required for the consumption of the passengers, and shall ascertain that the same are in a sweet and good condition, and shall also ascertain that, over and above the provisions and water so required, there is on board an ample supply of water and stores for the victualling of the crew of the ship: and such

officers shall also ascertain that the directions hereinbefore contained in respect of the situations of berths have been complied with.

VI. That the Master of every such ship shall cause a table to be drawn up of the respective prices at which any stores that may be sold by any person on board to any of the passengers during the voyage are to be supplied; a copy of the same, printed or written in a fair and legible manner, shall be affixed in some convenient and conspicuous place on board the said ship for the perusal of all parties, and that the same shall be maintained for continual reference as to the period in which passengers shall be engaged as during the whole of the voyage; and that no higher prices than those in such table shall in any case be charged for such provisions or stores as may be so supplied during the voyage; nevertheless, that nothing herein contained shall be construed as requiring the master of any ship to provide passengers with stores for the purpose of sale to any passengers who may have contracted to victual themselves during the voyage.

VII. That if doubts shall arise whether any ship about to proceed with passengers as aforesaid is sea-worthy, so for her intended voyage, and such doubts shall not be removed to the satisfaction of the collector and comptroller of Customs at the port from which such vessel is to be cleared out, it shall be lawful for such collector and comptroller to detain such ship to be surveyed by two competent persons; and if it shall be reported by those persons that such ship is in their opinion sea-worthy with reference to such voyage, such ship shall not be cleared out unless the contents of such cargo are disproved to the satisfaction of the Commissioners of the Customs, or until such ship shall have been rendered sea-worthy.

VIII. That two copies of this Act, or abstracts of the same, made, provided, and issued by the authority of the Commissioners of the Customs, and authenticated by the signature of the collector or comptroller of the Customs at the port of departure of the ship, shall be delivered to the master, on demand, by such collector or comptroller at the time of clearance; and one copy of the same, kept on board every ship proceeding with passengers as aforesaid, and that one of such copies or abstracts shall, on demand, be made at reasonable times to the master of the ship, be produced to any passenger for his perusal.

IX. That no ship carrying passengers in any such voyage as aforesaid to any such port or place as aforesaid, or port or place in North America, if the number of such passengers shall amount to or exceed one hundred, shall clear out of any port in the United Kingdom, or in the said islands of Guernsey, Jersey, Alderney, Sark, or Man, or shall be rated upon the ship's company, and shall be actually serving on board such ship, some person duly authorized to practise in this kingdom as a physician or surgeon or apothecary, and that no such ship shall actually put to sea on such voyage unless such medical practitioner shall be therein, and shall bona fide proceed on such voyage, taking with him a medicine chest, and a proper supply of medicines, instruments, and other things suitable to the intended voyage; and every ship carrying passengers under the provisions of this Act shall clear out for any voyage from any such port as aforesaid, and until there shall be actually laden and on board such ship medicines and other things necessary for the medical treatment of the passengers on board during such intended voyage, and available for that purpose, nor unless such medicines and other things shall be adequate in amount and kind to the probable exigencies of any such voyage; and, together with such medicines and other things, shall also be put on board every such ship previously to her clearing out for any such voyage a certificate under the hands of any two or more such medical practitioners as aforesaid, to the effect that such medicines and other things have been inspected by them, and are, in their judgment, adequate to meet any such probable exigencies as aforesaid.

X. That no ship carrying passengers to any place as aforesaid shall be cleared out if there shall be laden on board by way of stores, over and above the stores proper for the crew of such ship, any quantity of spirits or strong liquors exceeding one-tenth part of such quantity as would, except for this restriction, be allowed by the officers of the Customs upon clearing out of such ship for the outward voyage only, according to the number of persons going the voyage.

XI. That the master of every ship carrying passengers on any such voyage as aforesaid shall, before clearing out for such voyage from any port or place in the United Kingdom, or in the said islands of Guernsey, Jersey, Alderney, Sark, or Man, deliver to the collector or other principal officer of His Majesty's Customs at such port or place, a list in writing, with a duplicate of the same, specifying, as accurately as may be, the names, ages, and professions or occupations of every the passengers on board such ship, with the name of the port or place at which he the said master hath landed each of the said passengers; and such collector or other chief officer of Customs shall thereupon deliver to the master a counterpart of such list signed by him the said collector or other chief officer as aforesaid; and the said master shall deliver the said counterpart of his said list to the collector or other chief officer of His Majesty's Customs at any port or place in His Majesty's possessions, or to His Majesty's Consul at any foreign port, at which the said passengers, or any of the passengers, shall be landed, and shall deposit the same with such collector or chief officer of Customs, or such Consul, as the case may be, at the final port of discharge in the said possessions.

And for the prevention of frauds which might be practised upon persons emigrating from the United Kingdom

It is Enacted,

XII. That the master of any ship carrying any passengers as aforesaid shall not, without his or her previous consent, put on shore, or cause to be landed or put on shore, any passenger at any port or place other than the port or place at which he may have contracted to land or put such passenger on shore.

XIII. Provided, That for the purpose and within the meaning of this Act two children, each being under the age of seven years, but above the age of seven years, or three children, each being under the age of seven years, shall in all cases be computed as one person only; and that children under the age of twelve months shall not be included in the computation of persons.

XIV. That if any ship shall not actually put to sea and proceed upon any such intended voyage as aforesaid on

that any such ship shall pay to each and every such passenger as shall have contracted to victual himself a fine, to be recovered after the rate of 1s. in respect of each day during which he or she shall be so detained previously to the actual departure of such ship on such voyage, and that the same may be recovered daily; and the master of such ship shall be so appointed: Provided always, that no such fine as aforesaid shall be incurred or be payable in respect of any such vessel which shall be so detained by stress of weather or other unavoidable cause.

That at the close of any such voyage as aforesaid every person arriving as a passenger at any port or place shall, during the space of forty-eight hours next after such arrival, be entitled to continue on board such ship, and to be provided for and maintained on board the same in such and the same manner as during such voyage, unless in any case it shall have been otherwise stipulated and agreed between any such passenger and the master of such ship that such passenger shall not be entitled to such provision or maintenance during the said period of forty-eight hours, or unless in the ulterior prosecution of her voyage any such ship shall quit any such port or place within the said period of forty-eight hours.

That if any ship carrying passengers on any voyage from any port or place in the United Kingdom, or in the islands of Guernsey, Jersey, Alderney, Sark, or Man, on any voyage to or for any port or place out of Europe, and not being in the Mediterranean Sea, shall carry any number of passengers exceeding by more than one person in fifty the proportion authorized by this present Act; or if such ship shall not be of the height between decks hereinbefore required; or if such a ship is hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such water as is hereinbefore required; or if there shall be more than two tiers of berths; or if there shall not be throughout the whole duration of any such voyage such an interval as is hereinbefore prescribed between the deck and the floor of the lower tier of berths; or if any such ship shall clear out and put to sea not having on board such water and provisions as aforesaid, for the use and consumption of the said passengers, of the kind and to the amount and in the proportion hereinbefore required; or if a bill of the prices of provisions or stores shall not be exhibited as hereinbefore required; or if any higher prices than are stamped in such table shall be charged; or if there shall not be on board any such vessel such medical practitioners as aforesaid, such medicines and other things necessary to the medical treatment of the passengers, as is hereinbefore required; or if any such ship shall be cleared out before such lists of passengers as hereinbefore mentioned shall have been delivered in manner before aforesaid to such officer as aforesaid; or if any such list shall be wilfully false; or if the copy or abstract of this Act be not produced as hereinbefore required; or if any passenger shall not be allowed to continue on board such ship in manner hereinbefore provided; or if any passenger shall, without his or her previous consent, be put on shore at any place other than the place at which the master had contracted to land such passenger; the master of any such ship shall for and in respect of each and every such offence be liable, on such summary conviction as hereinafter mentioned, to the payment of a fine of not less than 10s. nor more than 20s. sterling British money.

Provided, That nothing herein contained shall take away or abridge any right of suit or action which may accrue to any passenger in any such ship, or to any other person in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such passenger or other person, and the master, owner or owners of any such ship.

That all indictments or informations against any person or persons for or in respect of any offences by them committed or alleged to have been committed under this Act, and that all proceedings for the recovery of any fines, penalties, or forfeitures incurred or alleged to have been incurred by any person or persons under this Act, shall be preferred and prosecuted by any person or persons whomsoever, and shall be proceeded with and determined before such and the same Courts, Magistrates, and Justices of the Peace, and in such and the same manner, and by such and the same persons, and with, under, and upon all such and the same rules, provisions, conditions, and restrictions, as in the case of any indictments or informations preferred or proceedings taken for or in respect of any offence committed, or for the recovery of any fines, penalties, or forfeitures, under any Act of Parliament now in force for the prevention of smuggling, or relating to the Customs or to the navigation; Provided always, that in order to the preferring, prosecuting, proceeding with, or determining any such indictments or informations under this present Act, the direction or consent of the Commissioners of Customs shall not be required, anything in such Acts of Parliament as aforesaid to the contrary in anywise notwithstanding.

And for the more effectually securing the observance of the aforesaid rules, and the payment of the penalties aforesaid;—

It is Enacted,

TIX. That before any ship carrying passengers shall clear out for any such voyage as aforesaid from any port or place in the United Kingdom, or in the said islands of Guernsey, Jersey, Alderney, Sark, or Man, to or for any port or place out of Europe, and not being in the Mediterranean Sea, the master of the said ship shall enter into a bond to His Majesty, his heirs and successors, with one good and sufficient surety, to be approved by the collector or other chief officer of Customs at such port, in the sum of 1000*l.*, the condition of which bond shall be that the said ship is seaworthy, and that all and every the rules and regulations made and prescribed by this Act for the carriage of passengers shall be well and truly performed before and during the intended voyage, and that all penalties, fines, and forfeitures which the master of such ship may be sentenced or adjudged pay for or in respect of the breach or non-performance, before or during such voyage, of any such rules and regulations, shall well and truly paid: Provided always, that such bond shall be without stamps, and that no such bond shall be put in suit, and that no prosecution, suit, action, or information shall be brought under or by virtue of this Act, or upon or by reason of the breach of any of the provisions thereof, in any of His Majesty's possessions abroad after the expiration of twelve calendar months next succeeding the commencement of any such voyage as aforesaid, nor in the United Kingdom or any of the islands mentioned after the expiration of twelve calendar months next after the return of the master to the port or place from which he sailed on such voyage.

xx. That nothing in this Act contained shall extend or be construed to extend to ships carrying passengers in case the number of persons, computed in manner hereinbefore provided, shall not exceed one person for every five tons of tared burthen of such ship; nor shall anything in this Act contained extend to any ship in the service of the Lord High Admiral, or in the service of His Majesty's Admiralty, or in the service of His Majesty's Postmaster General, or in the service of the East India Company.

xxi. That the Bahama Islands, and all places in America southward of the same, shall be deemed to be in Scotland for the purposes of this Act.

xxii. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this session of Parliament.

CAP. LIV.

AN ACT to render certain Marriages valid, and to alter the Law with respect to certain Marriages.

(Stat August)

ABSTRACT OF THE ENACTMENTS.

1. Marriages before the passing of this Act of persons within the prohibited degrees not to be annulled.
2. Marriages of persons within prohibited degrees hereafter to be absolutely void.
3. Not to extend to Scotland.
4. Act may be altered this session.

By this Act,

After reciting that marriages between persons within the prohibited degrees are voidable only by sentence of the Ecclesiastical Court pronounced during the lifetime of both the parties thereto, and it is unreasonable that the state and condition of children of marriages between persons within the prohibited degrees of affinity should remain unsettled during so long a time, and it is fitting that all marriages which may hereafter be celebrated between persons within the prohibited degrees of affinity or affinity should be *ipso facto* void, and not merely voidable:—

It is Enacted,

i. That all marriages which shall have been celebrated before the passing of this Act between persons being within the prohibited degrees of affinity shall not hereafter be annulled for that cause by any sentence of the Ecclesiastical Court pronounced in a suit which shall be depending at the time of the passing of this Act: Provided that nothing hereby enacted shall affect marriages between persons being within the prohibited degrees of consanguinity.

ii. That all marriages which shall hereafter be celebrated between persons within the prohibited degrees of consanguinity shall be absolutely null and void to all intents and purposes whatsoever.

iii. Provided, That nothing in this Act shall be construed to extend to that part of the United Kingdom called Scotland.

iv. That this Act may be altered or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LV.—IRELAND.

AN ACT for facilitating the Appointment of Sheriffs in Ireland, and the more effectual Audit and settling of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in Ireland; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in Ireland; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners auditing the Public Accounts of Great Britain.

(9th September)

CAP. LVI.

AN ACT to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom.

(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Rules established by recited Act for ascertaining tonnage repealed.
2. The rule by which tonnage of vessels is to be ascertained.
3. Tonnage, when ascertained, to be entered on register.
4. Mode of ascertaining tonnage of steam vessels.
5. Rules and regulations, contents of engine room to be set forth in description of steam vessel.
6. For ascertaining tonnage of vessels when laden.
7. Amount of register tonnage to be carved on main beam.
8. Not to alter tonnage of vessels already registered.
9. Commencement of Act.
10. Act may be altered this session.

By this Act,

After reciting that by an Act, 3 & 4 Will. 4. c. 55, for the registering of British vessels, certain rules are established for ascertaining the tonnage of ships as well on shore as afloat, and of vessels propelled by steam; and the account of such tonnage, whenever the same shall have been ascertained according to the rules therein prescribed (except in the case of ships admeasured afloat), it is thereby enacted shall be deemed the tonnage of such ships, and shall be repeated in every subsequent registry of such ships, unless any alteration shall have been made in their form and burthen, or unless it be discovered that the tonnage had been erroneously computed: And that it is considered that the capacity of a ship is the fairest standard by which to ascertain tonnage, that internal measurements will afford the most accurate and convenient method of ascertaining that capacity, and that the adoption of such a mode of admeasurement will tend to the interests of the ship-builder and the owner, as well as to the proper collection of the dues which by law are payable on tonnage; and it is expedient to alter and amend the law in this respect:—

It is Enacted,

1. That from and after the commencement of this Act so much of the said recited Act as establishes rules for ascertaining the tonnage of ships shall be and the same is hereby repealed so far as respects the merchant shipping of the United Kingdom to be registered.

2. That from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered, before being registered, be measured and ascertained while her hold is clear, and according to the following rule (that is to say,) divide the length of the upper deck between the afterpart of the stem and the forepart of the stern-post into five equal parts. Depths: At the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake. In the case of a ship in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: Divide each of those three depths into five equal parts, and measure the inside breadths at the following points; *sicilicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper part of the midship depth. Length: At half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the stern-post; then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth, and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by 100, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk-head; multiply the said measurements together, and dividing the product by 92.4, the quotient will be the number of tons to be added to the tonnage so found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the limber strake.

3. That the tonnage or burthen of every ship belonging to the United Kingdom, ascertained in the manner hereinbefore prescribed, in respect of any such ship which shall be registered after the commencement of this Act (except as hereinafter provided), be inserted in the certificate of the registry thereof, and be taken and deemed to be the tonnage or burthen thereof for all the purposes of the said recited Act.

4. Provided, That in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the following manner; that is to say, measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as

aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken said, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

v. Provided, That the tonnage due to the cubical contents of the engine room and also the length of the engine room set forth in the certificate of registry as part of the description of the ship or vessel, and that any alteration of such tonnage to the cubical contents of the engine room or of such length of the engine room, after registry, shall be deemed to be a violation requiring registry *de novo* within the meaning of the said Act for the registering of ships or vessels.

vi. That for the purpose of ascertaining the tonnage of all such ships, whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and established; (that is to say,) measure, first, the length on the upper deck between the afterpart of the stem and the stern-post; secondly, the inside breadth on the underside of the upper deck at the middle point of the length; and thirdly, the depth from the underside of the upper deck down the pumpwell to the skin; multiply these three dimensions together, and divide the product by 130, and the quotient will be the amount of the register tonnage of such ships.

vii. That the true amount of the register tonnage of every merchant ship or vessel belonging to the United Kingdom, ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in iron plates at least three inches in length on the main beam of every such ship or vessel, prior to her being registered.

viii. Provided, That nothing herein contained shall extend to alter the present measure of tonnage of any ship or vessel which shall have been registered prior to the commencement of this Act, unless in cases where the owners of any such ship or vessel require to have their tonnage established according to the rule hereinbefore provided, or unless there shall be occasion to re-measure any such ship or vessel again on account of any alteration which shall have been made in the form or burthen of the ship, in which cases only such ships shall be re-measured according to the said rule, and their tonnage registered accordingly.

ix. That this Act shall commence and take effect upon and from the 1st of January 1836.

x. That this Act may be altered, amended, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. LVII.

AN ACT to extend to Scotland certain Provisions of an Act of the Ninth Year of His late Majesty George the Third, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in Scotland.

(9th September 1835)

ABSTRACT OF THE ENACTMENTS.

1. Provisions of 9 Geo. 4. c. 92, & 3 Will. 4. c. 14, extended to Scotland.
2. 59 Geo. 3. c. 62, in part repealed, except as to banks already established.
3. Existing banks may conform to the last-mentioned Acts in preparing and depositing their rules.
4. Application of the law of Scotland in peculiar cases.
5. Act to extend to Scotland, and to be deemed a public Act.

By this Act,

After reciting that it is expedient to repeal the law relative to Savings Banks in Scotland, and to make other laws respecting savings banks in Scotland:—

It is Enacted,

I. That all the clauses and provisions of 9 Geo. 4. c. 92, and 3 & 4 Will. 4. c. 14, shall from and after the passing of this Act extend to Scotland.

II. That the Act, 59 Geo. 3. c. 62, intituled, 'An Act for the Protection of Banks for Savings in Scotland,' shall, in all respects, be applicable to any savings bank hereafter to be formed and established in Scotland from and after the passing of this Act: Provided nevertheless, that the provisions of the said last-mentioned Act shall continue in force as to banks established under it before the passing of this Act unless and until they shall conform to and be established under the provisions of the said Acts of the ninth year of His late Majesty and the third year of His present Majesty.

III. That it shall be competent to the trustees, managers, or directors, or other persons legally intrusted with the management of any savings bank already established in Scotland under the authority of the Act hereby repealed, or to the committee of them assembled at any general meeting to be convened according to the respective rules and regulations of such banks, to establish such savings banks under the said last-mentioned Acts by preparing, enrolling, and depositing their rules and regulations thereof, in conformity to law and with the provisions of the said last-mentioned Acts, and such rules and regulations shall thereafter be deemed and taken to be established under the provisions of the said last-mentioned Acts to all intents and purposes.

by this Act shall extend to all savings banks hereafter to be established in Scotland, and also to all savings banks established in Scotland, as soon as they shall have been established under the provisions thereof, and be deemed a fact, and be judicially taken notice of as such by all Judges, Justices, and other persons whomsoever, without the same specially shewn or pleaded.

ABSTRACT OF THE PROCEEDINGS OF DEBATES

residence, or of any parochial or district school, with or without a garden thereto, anything in the said Act, 3 & 4 Will. 4. c. 47, or any other law or statute, to the contrary in anywise notwithstanding; and such body or bodies politic or corporate, or persons, and their heirs, successors, executors, or administrators, shall have full capacity and ability to take, hold, and enjoy the same; and whenever it shall be the pleasure of His Majesty, his heirs or successors, to make a grant for any of the purposes said, it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the time being, three or more of them, to issue a warrant under his or their hand or hands to any such body or bodies politic or corporate person or persons as aforesaid, which warrant shall be exempt from any stamp duty whatsoever: Provided always, that in this Act contained shall extend or be construed to extend to enable His Majesty, his heirs or successors, to grant any five statute acres in any one grant for any of the purposes aforesaid, or to grant any premises in any one instance which exceed in value the sum of 1,000*l.*; and that all such grants shall be carried into effect by charters and other instruments according to the law and practice of Scotland, and not otherwise.

iv. That a minute or docket of every such grant or warrant shall be entered and preserved by the Commissioners of His Majesty's woods, forests, land revenues, works, and buildings, in their office.

v. Provided, That the Commissioners of His Majesty's woods, forests, land revenues, works, and buildings for the time being, in every report which shall be made by them to the King's most excellent Majesty and to both houses of Parliament touching or concerning the land revenue of the Crown, from and after the passing of this Act, certify and report every year which shall have been made under and by virtue of the provisions of this Act since the time of the making their last report, and to whom and for what purpose the same shall have been made, and what land or ground shall be comprised and all other particulars relating thereto.

CAP. LIX.

AN ACT to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in relation thereto.

(9th September 1836)

ABSTRACT OF THE ENACTMENTS.

1. The Act 3 Geo. 4. c. 71, and part of the Act 3 Will. 4. c. 19, repealed.
2. Any person wantonly and cruelly beating or otherwise ill-treating any cattle, &c. or improperly driving the same, or committing any mischief shall be done, shall, upon conviction, be fined or committed to prison.
3. Persons keeping pits for fighting dogs or baiting bears, &c. guilty of a nuisance, and liable to penalties.—The person who is the manager of such house to be deemed the keeper.
4. Parties impounding cattle to provide sufficient food for them.—Remedy for the recovery thereof.
5. Persons may enter pounds for the purpose of feeding cattle.
6. Penalty on parties neglecting to feed impounded cattle.
7. As to slaughtering horses, &c.
8. Horses to be slaughtered within three days after purchase, and in the meantime to be provided with food.
9. Any constable or peace officer, or the owner of any cattle, may seize offenders.
10. As to names of offenders.
11. Limitation as to summary proceedings.
12. As to convictions.
13. Mode of proceeding for penalties, &c.
14. Form of conviction.
15. Service of Justice's summons.
16. Penalty on constable refusing or neglecting to serve summons, &c.
17. Distribution of Penalties, &c.
18. Informants or complainants not disqualified.
19. Limitation of actions.
20. Parties dissatisfied with adjudication of any Justice may appeal to Quarter Sessions.
21. Construction of terms used in this Act.

By this Act,

After reciting that frequent accidents arise from improperly driving cattle, and many and great cruelties are committed by improperly driving and conveying cattle to, at, and from public markets and otherwise, as well as in slaughtering and detaining the same without food and nourishment, to the great and needless increase of the sufferings of dumb animals, and to the demoralization of the people, and whereby the lives and property of His Majesty's subjects are greatly endangered.

from and after the passing of this Act every person who shall impound or confine, or cause to be impounded or confined any horse, ass, or other cattle or animal, in any common pound, open pound, or close pound, or in any inclosed or other pound, or place, or enclosure, or otherwise, shall be liable to pay to the owner thereof, if he can be found, and he is hereby required to find, provide, and supply such horse, ass, and other cattle or animal so impounded or confined with good and sufficient food and nourishment for so long a time as such horse, ass, or other cattle or animal shall remain in and continue so impounded or confined as aforesaid; and every such person who shall so find, provide, and supply such horse, ass, or other cattle or animal, with such daily food and nourishment as aforesaid, shall and may he and they are hereby authorized and empowered to recover of and from the owner or owners of such cattle or animal not exceeding double the value of the food and nourishment so supplied to such cattle or animal as aforesaid by proceeding before any one Justice of the Peace within whose jurisdiction such cattle or animal shall have been so impounded and supplied with food as aforesaid, for recovery as any penalty or forfeiture, or any damage or injury, may be recovered under and by virtue of any of the powers conferred in this Act contained, and which value of the food and nourishment so to be supplied as aforesaid such Justice of the Peace is hereby authorized and empowered to ascertain, determine, and enforce as aforesaid; and every person who shall have procured food and nourishment as aforesaid shall be at liberty, if he shall so think fit, instead of proceeding for the recovery of the value thereof as last aforesaid, after the expiration of seven clear days from the time of impounding the same, to sell such horse, ass, or other cattle or animal, openly at any public market (after having given three days' public notice of his intention to do so) for the best money that can be then got for the same, and to apply the produce in discharge of the value of such

food, and nourishment so supplied as aforesaid, and the expenses of and attending such sale, rendering the overplus (if any) to the owner of such cattle or animal.

v. That in case any horse, ass, or other cattle or animal shall at any time so remain impounded or confined as aforesaid, without sufficient daily food or nourishment more than twenty-four hours, it shall and may be lawful to and for any person or persons whomsoever from time to time and as often as shall be necessary to enter into and upon any such common pound, pound, or close pound, or other inclosed place in which any such cattle or animal shall be so impounded or confined, to supply such cattle or animal with such good and sufficient food and nourishment during so long a time as such cattle or animal shall so remain and continue impounded or confined as aforesaid, without being liable to any action of trespass or of nuisance by any person or persons whomsoever for or by any reason of such entry or entries for the purposes aforesaid.

vi. That in case any such person who shall so impound or confine, or cause to be impounded or confined, any such horse, ass, or other cattle or animal as aforesaid, shall refuse or neglect to find, provide, and supply such daily good and sufficient food and nourishment to such cattle and animal so impounded or confined as aforesaid, he and they shall for every day or days in which he or they shall so refuse or neglect to find, provide, and supply the same as aforesaid, forfeit and pay the sum of five shillings for every day or days in which the last sum and sums of money shall and may be recoverable by proceeding before any one Justice of the Peace in the manner as hereinbefore provided for the recovery of any penalty, forfeiture, damage, or injury as hereinbefore mentioned.

And after reciting that great cruelty is practised by reason of diseased, old, and worn-out horses sold or taken to knackermen for the purpose of slaughter, being frequently resold or compelled to work, or kept without sufficient food and remedy thereof,—

It is Enacted,

vii. That if any person keeping or using any house or place for the purpose of slaughtering or killing any horse or cattle (which shall not be for butcher's meat) shall at any time hereafter slaughter or kill any horse or cattle (not being for butcher's meat) without having previously taken out a licence for that purpose, and without having previously affixed over the gate or entrance from the public highway to said licensed premises the board and inscription in manner and form prescribed by the provisions of an Act of Parliament, 26 Geo. 3. c. 71, intituled, 'An Act for regulating Houses and Places kept for the Purpose of slaughtering Horses,' every such person shall for every such offence forfeit and pay any sum not exceeding 5*l.* nor less than 10*s.*, or be liable to such punishment as in the said Act is provided.

viii. That every person so keeping or using any house or place for the purpose of slaughtering or killing horses or cattle shall kill and slaughter every such horse or cattle within three days next after such horse or other cattle shall be purchased by or brought and delivered to him, or any person in his service or employ, for the purposes of slaughter as aforesaid, and shall also in the meantime, and until such horse or other cattle shall have been so slaughtered, find and provide such horse or other cattle with good and sufficient daily food and nourishment, and shall also, at the time of receiving such horse or other cattle for the purposes aforesaid, enter in the book which by the said Act, 26 Geo. 3. is required to be kept by such person for the purposes in the said Act mentioned, a correct description of the colour and gender of the horse so purchased by or brought to him for the purposes aforesaid, with the date of receiving the same; and if any such horse or other cattle so received for the purposes aforesaid shall be employed in any manner of work, or shall not be supplied with such sufficient food during the time he shall survive, every such person so receiving every such horse or other cattle shall for every such offence forfeit and pay any sum not exceeding 40*s.* nor less than 5*s.* for every day on which such offence shall be committed or continued.

And, for the more easy and effectual apprehension of all offenders against this Act,—

It is Enacted,

ix. That when and so often as any of the said offences shall happen it shall and may be lawful to and for any constable or peace officer, or for the owner of any such cattle or animal, upon view thereof, or upon the information of any other person who shall declare his, her, or their name or names and place or places of abode to the said constable or other peace officer, to seize and secure by the authority of this Act, and forthwith and without any other authority or warrant to convey the offender before any one Justice of the Peace within whose jurisdiction the offence shall have been committed, to be examined according to law, and such Justice shall forthwith proceed to examine upon oath any witness or witnesses who shall appear and produce to give information touching any such offence (which oath the said Justice is hereby authorized and empowered to administer).

x. That if any person who shall be apprehended for having committed any offence against this Act shall refuse to give his name and place of abode to the Justice before whom he shall be brought, such person refusing shall immediately be conveyed over to a constable or other peace officer, and shall by him be conveyed to the common gaol or house of correction of the city, town, or county within which the offence shall have been committed, or in which the offender shall have been apprehended, there to remain for a space not exceeding one calendar month, or until he shall make known his name and place of abode to the said Justice.

xi. That the prosecution of every offence punishable under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party complaining shall be admitted in proof of the offence, and also the evidence of any overseer or inhabitant of the parish in which the offence shall have been committed, notwithstanding any forfeiture or penalty incurred by the offence may be payable to the overseers of the poor of such parish.

xii. That in every case of a conviction under this Act, where the sum which shall be awarded for the amount of the fine or injury done, or which shall be imposed as a penalty by any such Justice as aforesaid for any offence contrary to this Act, shall not be paid either immediately upon or after the conviction, or within such period as such Justice shall at the time of conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justice, for any term not exceeding fourteen days, where the amount of the sum awarded, or the

At all actions and prosecutions which may be brought or commenced against any person for anything done in pursuance of the authority of this Act shall be commenced within one calendar month next after the fact committed, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and in writing of any such action, and specifying the cause thereof, shall be given to the defendant fourteen clear days before the commencement of any such action; and the defendant in such action may plead the general issue, and give any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to be in respect of any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought after the expiration of one calendar month, or shall be brought in any other county or place than as aforesaid, or if such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made to the plaintiff, or if a sufficient sum of money shall have been paid into court after such action commenced by or for the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or

if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment be given against him, the defendant shall recover his full costs of suit as between attorney and client, and shall be remedied for the same as every defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be had shall certify his approbation of the action and of the verdict obtained thereon.

XX. That in case any person shall consider himself aggrieved by any adjudication or conviction made by any Justice of the Peace under the authority of this Act, such party shall and may appeal against such adjudication or conviction within fourteen days notice of such appeal, and the cause and matter thereof, to such Justice, to the next quarter session next after the expiration of the said fourteen days in or for the town, city, riding, county, or division within which such adjudication or conviction shall have been made; and such Court of Quarter Sessions shall hear and determine the said appeal, and award to the party appealing against or supporting such adjudication or conviction such costs as to them shall seem reasonable.

And in order to avoid the repetition, and to prevent any misconstruction of the terms and expressions used in this Act,

It is Enacted,

XXI. That whenever in this Act, with reference to any person, cattle, animal, matter, or thing, any word or words are used importing the singular number or the masculine or feminine gender only, yet such word or words shall be understood to include several persons or animals as well as one person or animal, and females as well as males, and several matters as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context manifestly to the contrary; and that where the word "Cattle" is used alone in this Act the same shall be understood to include any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, or lamb, or any other cattle or animal.

CAP. LX.

AN ACT for carrying into effect a Treaty with the King of the French and the King of Sardinia, for suppressing the Slave Trade.

(9th September 1834.)

ABSTRACT OF THE ENACTMENTS.

1. Any officer commanding a ship of war of His Majesty, or of the King of Sardinia, may search merchant vessels of any nation suspected of being engaged in the slave trade.
2. Any proceedings instituted against crew, &c. of captured merchant vessel to be conducted in the name of the King of Great Britain and Ireland.
3. If any of the particulars specified in sixth article are found on board a captured vessel, she shall be deemed to have been engaged in the slave trade.
4. A portion of the proceeds arising from sale of slave vessel captured by a Sardinian officer, to be paid to the King of Sardinia.
5. Bounty of 5*l.* to be paid to commanders and crews for every slave found on board a condemned vessel of either nation.
6. Bounty to be paid on production of certificate of officers appointed to receive slaves.
7. Where slaves are seized but not condemned, Lords of the Treasury empowered to grant a moiety of the bounty.
8. Persons claiming benefit of bounty may resort to High Court of Admiralty for judgment thereon.
9. Regulations pertaining to the distribution of prize money.
10. Where damages are sustained by the illegal detention of a vessel, the Treasury may make compensation.
11. Where judgment is given against the seizer, the Treasury to defray expenses by him incurred.
12. Defendant may plead the general issue, and give this Act in evidence.

By this Act,

After reciting that a treaty was, on the 8th of August 1834, with an additional article thereto on the 8th of December 1834, concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of Sardinia, and signed at Turin, whereby it was agreed as follows:

ARTICLE I.—His Majesty the King of Sardinia accedes to the Conventions concluded and signed on the 22nd of November 1831, and on the 22nd of March 1833, between His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French, relating to the Suppression of the Slave Trade, as well as the Annexes, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles of the said Conventions, which articles shall be considered additional to the said Conventions and to their Annexes, and excepting the Reservations which necessarily result from the Situation of His Sardinian Majesty as a Party acceding to the said Conventions after their Conclusion; His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French having accepted the said Accession, all the Articles of these two Conventions and their Annexes, shall in consequence be held to have been concluded and signed in the same manner as if they had been so concluded and signed by His Majesty the King of Sardinia.

present Convention directly between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of Sardinia: His said Majesties engage, and promise reciprocally to fulfil faithfully, excepting the Reservations and Modifications stipulated for, all the Clauses, Conditions, and Obligations which result therefrom; and in order to prevent any doubt it has been agreed that the above-mentioned Conventions, as well as their Annexes, shall be inserted here in full Word, as follows:

Convention between His Majesty and the King of the French for the more effectual Suppression of the Traffic in Slaves, signed at Paris the Thirtieth Day of November One thousand eight hundred and thirty-one.

Courts of Great Britain and of France, being desirous of rendering more effectual the Means of Suppression which hitherto been in force against the criminal Traffic known under the Name of the Slave Trade, they have deemed it expedient to negotiate and conclude a Convention for the Attainment of so salutary an Object, and they have to this End appointed their Plenipotentiaries; (that is to say,) His Majesty the King of the United Kingdom of Great Britain and Ireland the Right Honourable Viscount Granville, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary at the Court of France; His Majesty the King of the French the Lieutenant General Count Horace Sebastiani, Grand Cross of the Order of St. Louis, Member of the Chamber of Deputies of the Departments, and Minister and Secretary of State for Foreign Affairs; who, after having exchanged their full Powers, found to be in due Form, have signed the following Articles:—

Article I.—The mutual Right of Search may be exercised on board the Vessels of each of the Two Nations, but only in the Waters hereinafter described; namely,

1. Along the Western Coast of Africa, from Cape Verd to the Distance of Ten Degrees to the South of the Equator; and to say, from the Tenth Degree of South Latitude to the Fifteenth Degree of North Latitude, and as far as the Tenth Degree of West Longitude, reckoning from the Meridian of Paris.

2. All round the Isle of Madagascar to the Extent of Twenty Leagues from that Island.

3. To the same Distance from the Coasts of the Island of Cuba.

4. To the same Distance from the Coasts of the Island of Porto Rico.

5. To the same Distance from the Coasts of Brazil.

It is however understood that a suspected Vessel desisted and begun to be chased by the Cruisers whilst within the Limits of Twenty Leagues may be searched by them beyond these Limits, if, without having ever lost Sight of her, she should only succeed in coming up with her at a greater Distance from the Coast.

Article II.—The Right of searching Merchant Vessels of either of the Two Nations in the Waters hereinbefore mentioned shall be exercised only by Ships of War whose Commanders shall have the Rank of Captain or at least that of Lieutenant in the Navy.

Article III.—The Number of Ships to be invested with this Right shall be fixed each Year by a special Agreement; but for each Nation need not be the same, but in no Case shall the Number of the Cruisers of the one Nation be more than the Number of the Cruisers of the other.

Article IV.—The Names of the Ships, and of their Commanders shall be communicated by each of the contracting Governments to the other, and Information shall be reciprocally given of all Changes which may take place in the same.

Article V.—Instructions shall be drawn up and agreed upon in common by the Two Governments for the Cruisers of both Nations, which Cruisers shall afford to each other mutual Assistance in all Circumstances in which it may be useful, and should act in concert. The ships of War authorized to exercise the reciprocal Right of Search shall be furnished with special Authority from each of the Two Governments.

Article VI.—Whenever a Cruiser shall have chased and overtaken a Merchant Vessel as liable to Suspicion, the Commanding Officer, before he proceeds to the Search, shall exhibit to the Captain of the Merchant Vessel the special Orders conferred upon him by Exception the Right to visit her; and in case he shall ascertain the Ship's Papers to be regular, and the Proceedings lawful, he shall certify upon the Log Book of the Vessel that the Search took place only in virtue of said Orders; these Formalities having been completed, the Vessel shall be at liberty to continue her Course.

Article VII.—The Vessels captured for being engaged in the Slave Trade, or as being suspected of being fitted out for the same, shall, together with their Crews, be delivered over, without delay, to the Jurisdiction of the Nation to which they shall belong; it is furthermore distinctly understood, that they shall only be judged according to the Laws in their respective Countries.

Article VIII.—In no Case shall the Right of mutual Search be exercised upon the Ships of War of either Nation. The Two Governments shall agree upon a particular Signal, with which these Cruisers only shall be furnished which are invested with this Right, and which Signal shall not be made known to any other Ship not employed upon this service.

Article IX.—The High Contracting Parties to the present Treaty agree to invite the other Maritime Powers to accede to this Convention as soon as possible.

Article X.—The present Convention shall be ratified, and the Ratifications of it shall be exchanged within One Month, or, if it be possible, sooner.

In Witness whereof, which the Plenipotentiaries have signed the present Convention, and have affixed thereto the Seal of their respective Governments.

Done at Paris the 30th of November 1831.

(Signed)

Granville.
Horace Sebastiani.

(L. S.)

Supplementary Convention between His Majesty and the King of the French for the more effectual Suppression of Traffic in Slaves, signed at Paris 22nd March, 1833.

His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the King of the French have, having felt the Necessity of developing some of the Clauses contained in the Convention which was signed between His Majesties on the Thirtieth of November One thousand eight hundred and thirty-one, relating to the Suppression of the Crime of Slave Trade, have named as their Plenipotentiaries for this Purpose; (to wit,)

His Majesty the King of the United Kingdom of Great Britain and Ireland the Right Honourable Granville Leveson Greville, Peer of the United Kingdom, Knight Grand Cross of the Most Honourable Order of the Bath, Member of the Privy Council of His Britannic Majesty, and His Ambassador Extraordinary and Plenipotentiary to the Court of France, and his Majesty the King of the French Monsieur Charles Leonce Achille Victor Duc de Broglie, Peer of France, and his Majesty the King of the French Monsieur Charles Leonce Achille Victor Duc de Broglie, Peer of France, Minister and Secretary of State for the Department of Foreign Affairs, after having exchanged their Powers, which have been found in good and due Form, have agreed on the following—

Article I.—Whenever a Merchant Vessel navigating under the Flag of one of the Two Nations shall be detained by the Cruisers of the other duly authorized to that Effect, conformably to the Provisions of the Convention of the Thirtieth November One thousand eight hundred and thirty-one, such Merchant Vessel, as also her Master, her Crew, Cargo, and the Slaves who may be on board, shall be carried to such Places as shall have been appointed by the Contracting Parties respectively, in order that Proceedings may be there instituted respecting them agreeably to the Law of the Country, and they shall be delivered over to the Authorities appointed for that Purpose by the respective Governments.

When the Commander of the Cruiser shall not think proper to take upon himself the carrying in and delivering up the detained Vessel he shall not intrust that Duty to an Officer below the Rank of Lieutenant in the Navy.

Article II.—The Cruisers of the Two Nations authorized to exercise the Right of Visit and Detention in execution of the Convention of the Thirtieth November One thousand eight hundred and thirty-one, shall, in all that relates to the Formalities of the Visit and of the Detention, as well as to the Measures to be taken for delivering up Vessels of the one Nation of being engaged in the Slave Trade to the respective Jurisdictions, conform strictly to the Instructions annexed to the present Convention, and which shall be considered as an integral Part thereof.

The Two High Contracting Parties reserve to themselves the Power of making in these Instructions, by common Consent, any Modifications which Circumstances might render necessary.

Article III.—It is clearly understood that if the Commander of a Cruiser of one of the Two Nations should have reason to suspect that a Merchant Vessel navigating under Convoy of or in Company with a Vessel of War of the other Nation has engaged in the Slave Trade, or has been fitted out for the said Trade, he is to make known his Suspicions to the Commander of the Convoy or Vessel of War, who shall proceed alone to visit the suspected Vessel; and in case the Commander should find that the Suspicions are well founded he shall cause the Vessel to be taken, together with her Crew, and the Cargo, and the Slaves who may be on board, into a Port of his own Nation, in order that Proceedings may be instituted with regard to them; agreeably to the respective Laws.

Article IV.—As soon as any Merchant Vessel detained and sent before the Tribunals aforesaid shall arrive at the Ports respectively pointed out, the Commander of the Cruiser which shall have detained her, or the Officer appointed to bring her in, shall deliver to the Authorities appointed for that Purpose One Copy, signed by him, of all the Declarations, and other Documents specified in the Instructions annexed to the present Convention, and the said Authorities shall in consequence proceed to a Survey of the detained Vessel and her Cargo, and to an Inspection of her Crew, and the Slaves who may be on board, after having previously given Notice of the Time of such Survey and Inspection to the Commander of the Cruiser, or to the Officer who shall have brought in the Vessel, in order that he, or some Person in his Behalf, may be present thereat.

A Declaration (Process verbal) of these Proceedings shall be drawn up in Duplicate, signed by the Person who shall have acted therein or been present at the same, and one of the said Declarations shall be delivered to the Commander of the Cruiser, or to the Officer who shall have been appointed to bring in the detained Vessel.

Article V.—The Vessels detained as before mentioned, their Masters, Crews, and Cargoes, shall be sent before the proper Tribunals in the respective Countries according to the established Forms; and in consequence of such Proceedings the said Vessels shall be found to have been employed in the Slave Trade, or to have been fitted out for the Purposes thereof, the Master, the Crew, and the Accomplices, as well as the Ship and Cargo, shall be dealt with conformably to the respective Laws of the Two Countries.

In case the said Vessels shall be confiscated a Portion of Proceeds arising from their Sale shall be paid into the Treasury of the Government to which the Captor belongs, to be distributed among the Officers and Crew of the capturing Vessel. This Portion shall be Sixty-five per Centum of the Net Produce of the Sale, as long as such a Distribution of the Proceeds is consistent with the respective Laws of the Two Countries.

Article VI.—Any Merchant Vessel of either of the Two Nations visited and detained in pursuance of the Convention of the Thirtieth of November One thousand eight hundred and thirty-one, and of the Provisions hereinafter contained, shall, unless Proof be given to the contrary, be held and taken of Right to have engaged in the Slave Trade, if it has been fitted out for the Purposes of such Traffic, if any of the Particulars hereinafter specified shall be found to exist on board of her; *to wit,*

- 1^o. Having her Hatches fitted with open Gratings, instead of being close Hatches as usual in Merchant Vessels.
- 2^o. Having more Divisions or Bulk-heads in the Hold or on Deck than necessary for Trading Vessels.
- 3^o. Having on board Spare Planks, either actually fitted in that Shape, or fit for readily laying a Second Deck or Slave Deck.
- 4^o. Having on board Shackles, Bolts, or Handcuffs.

Having on board a Supply of Water more than sufficient for the Consumption of her Crew as a Merchant Vessel.
 Having on board an unreasonable Number of Water-casks or other Vessels for holding Water, unless the Master produces a Certificate from the Customs House from the Place at which he cleared outwards stating that a sufficient quantity had been given by the Owners of such Vessel that such Casks or other Vessels should only be used for the Re-
 ception of Palm Oil, or be employed in any other lawful Trade.

Having on board a greater Quantity of Meats-tubs or Kinds than requisite for the Use of her Crew as a Merchant

Having on board Two or more Copper Boilers, or even One evidently larger than requisite for the Use of her as a Merchant Vessel.

Having on board a Quantity of Rice or Farina Flour of the Manioc of Brazil or Cassava, or Maize or Indian beyond any probable requisite Provision for the Use of her Crew, and such Rice, Flour, Maize, or Indian Com entered on the Manifest as Part of the Cargo for Trade.

Art. VII.—No Compensation shall in any Case be granted either to the Master or to the Owner or to any other interested in the Equipment or Lading of a Merchant Vessel in which any of the Particulars specified in the foregoing Article shall be found, even if the Tribunals should not pronounce any Condemnation in consequence of her

Art. VIII.—When a Merchant Vessel of either of the Two Nations shall have been visited and detained illegally, without sufficient Cause of Suspicion, or when the Visit and Detention shall have been attended with any Abuse or Excess, the Commander of the Cruiser, or the Officer who shall have boarded the said Vessel, or the Officer who has been appointed to bring her in, as the Case may be, shall be liable to Costs and Damages to the Master and to the Owners of the Vessel and Cargo.

Costs and Damages may be awarded by the Tribunal before which the Proceedings against the detained Vessel, her Crew, and Cargo, shall have been instituted; and the Government of the Country to which the Officer was attached for such Award shall pay the Amount of the said Costs and Damages within the Period of six Months from the Date of the Award.

Art. IX.—If in the Visit or Detention of a Merchant Vessel, made in virtue of the Provisions of the Convention of the Thirtieth Day of November One thousand eight hundred and thirty-one, or of the present Convention, any Abuse or Excess shall have been committed, but the Vessel shall not have been delivered over to the Jurisdiction of her own Country, the Master of the Vessel shall make a Declaration on Oath of the Abuses or Excesses of which he has to complain, before the competent Authorities in the first Port of his own Country to which he may arrive, or before the Consular Agent of his Nation if the Vessel proceeds to a Foreign Port before he is such an Agent. This Declaration shall be confirmed by an Examination under Oath of the principal Officers of the Crew or Passengers who have witnessed the Visit or Detention; and One formal Declaration (Procès verbal) shall be drawn up, and Two Copies thereof delivered to the Master, who shall forward One of them to his Government in support of his Claim for Costs and Damages. It is understood, that if any compulsory Circumstances should prevent the Master from making his Declaration it may be made by the Owner, or by any other person in the Vessel or in her Cargo.

Official Transmission of One Copy of the former Declaration (Procès verbal) above mentioned through the respective Embassies the Government of the Country to which the Officer charged with Abuses or Excesses belongs shall forthwith institute an Inquiry into the Matter, and if the Validity of the Complaint be admitted the Government shall cause to be paid to the Master or Owner, or to any other Person interested in the Vessel which was detained, or in her Cargo, the Amount of Costs and Damages which may be due to them.

Art. X.—The Two Governments engage reciprocally to communicate each to the other, free of Expense, and upon being made, Copies of all the Proceedings instituted and Judgments given relative to Vessels visited or detained in violation of the Provisions of the Convention of the Thirtieth of November One thousand eight hundred and thirty-one, or of the present Convention.

Art. XI.—The Two Governments agree to ensure the immediate Freedom of all Slaves who shall be found on board any Vessel detained in virtue of the Stipulations of the principal Convention heretofore referred to, or of the present Convention, whenever the Office of trafficking in Slaves shall have been established by the Sentence of the respective Tribunals. They reserve to themselves, however, for the Welfare of the Slaves themselves, the Right to employ such means as they may deem proper, conformably to their respective Laws.

Art. XII.—It is hereby agreed between the Two High Contracting Parties, that in all Cases in which a Vessel, detained in virtue of the Thirtieth of November One thousand eight hundred and thirty-one, or under this Supplementary Convention, shall be detained by their respective Cruisers as having been engaged in the Slave Trade, or fitted out for the same, and shall be placed at the Disposal of either Government for the Purpose of being sold, in consequence of a Sentence of Confiscation pronounced by a competent Tribunal, the said Vessel shall be broken up, in the manner before the Sale, whenever its peculiar Construction or Outfit shall give Reason to fear that it may be employed in the Slave Trade or any other illicit Traffic.

Art. XIII.—The present Convention shall be ratified, and the Ratifications shall be exchanged at Paris, within the Space of One Month, or sooner, if possible.

Witness whereof the above-named Plenipotentiaries have signed in Duplicate the present Convention, and have affixed thereto their Respective Seals.

Done at Paris the Twenty-second of March One thousand eight hundred and thirty-three.

(Signed) Grenville. (L. S.)
 Forsyth. (L. S.)

Instructions to Cruisers.

1°. Whenever a merchant Vessel of either of the Two Nations shall be visited by a Cruiser of the other, the Officer commanding the Cruiser shall exhibit to the Master of such Vessel the special Orders which confer upon him the exceptional Right of Visit, and shall deliver to him a Certificate, signed by him, specifying his Rank in the Navy of his Country, with the name of the Ship which he commands, and declaring that the only object of such Visit is to ascertain whether the Vessel is engaged in the Slave Trade, or is fitted out for the Purpose of such Traffic. When a Visit is made by another Officer of the Cruiser than her Commander this Officer shall not be under the Rank of Lieutenant in the Navy, and in this Case such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned, signed by the Commander of the Cruiser, and shall likewise deliver to him a Certificate, signed by him, specifying the Rank which he holds in the Navy, the Name of the Commander under whose Order he is acting, and of the Cruiser to which he belongs, and the Object of his Visit, as hereinbefore recited. If it shall be ascertained by the Visit that the Ship's Papers are regular, and her Proceedings lawful, the Officer shall certify up the Log Book of the Vessel that the Visit took place only in virtue of the special Orders above mentioned, and the Vessel shall be permitted to continue her Course.

2°. If in consequence of the Visit the Officer commanding the Cruiser shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, and if shall in consequence determine to detain her, and to have her delivered up to the respective Jurisdiction, he shall forthwith cause a List to be made out in Duplicate of all the Papers found on board, and he shall sign this List and a Duplicate, adding to his Name his Rank in the Navy, and the Name of the Vessel under his Command. He shall like Manner make out and sign in Duplicate a Declaration stating the Place and Time of the Detention, the Name of the Vessel, that of her Master, and those of the Persons composing her Crew, and also the Number and Condition of the Slaves found on board. This Declaration shall further contain an exact Description of the State of the Vessel and her Cargo.

3°. The Commander of the Cruiser shall without Delay carry or send the detained Vessel, with her Master, Crew, Cargo, and the Slaves found on board, to one of the Ports hereinafter specified, in order that Proceedings may be instituted in regard to them conformably to the respective Laws of such Country, and he shall deliver the same to the competent Authorities, or to the Persons who shall have been specially appointed for that Purpose by the respective Governments.

4°. No Person whatever shall be taken out of the detained Vessel, nor shall any Part of her Cargo, nor of the Slaves found on board, be removed from her, until after such Vessel shall have been delivered over to the Authorities of her own Nation, excepting only when the Removal of the Whole or of Part of the Crew, or of the Slaves found on board shall be deemed necessary, either for the Preservation of their Lives, or from any other Consideration of Humanity, for the Safety of the Persons who shall be charged with the Navigation of the Vessel after her Detention. In this Case the Commander of the Cruiser or the Officer appointed to bring in the detained Vessel shall make a Declaration of Removal, in which he shall specify the Reasons for the same; and the Masters, Sailors, Passengers, or Slaves so removed shall be carried to the same Port as the Vessel and her Cargo, and they shall be received in the same Manner as the Vessel, agreeably to the Regulations hereinafter set forth.

5°. All such French Vessels as shall be detained by the Cruisers of His Britannic Majesty on the African Station shall be carried and delivered up to the French Jurisdiction at Goree.

All such French Vessels as shall be detained by the British Squadron on the West India Station shall be carried delivered up to the French Jurisdiction at Martinique.

All such French Vessels as shall be detained by the British Squadron on the Madagascar Station shall be carried delivered up to the French Jurisdiction at the Isle of Bourbon.

All such French Vessels as shall be detained by the British Squadron on the Brazilian Station shall be carried delivered up to the French Jurisdiction at Cayenne.

All such British Vessels as shall be detained by the Cruisers of His Majesty the King of the French on the African Station shall be carried and delivered up to the Jurisdiction of His Britannic Majesty at Bathurst on the River Senegal.

All such British Vessels as shall be detained by the French Squadron on the West India Station shall be carried delivered up to the British Jurisdiction at Port Royal in Jamaica.

All such British Vessels as shall be detained by the French Squadron on the Madagascar Station shall be carried delivered up to the British Jurisdiction at the Cape of Good Hope.

All such British Vessels as shall be detained by the French Squadron on the Brazilian Station shall be carried delivered up to the British Jurisdiction at the Colony of Demerara.

6°. As soon as a Merchant Vessel which shall have been detained as aforesaid shall arrive at one of the Port Places above mentioned, the Commander of the Cruiser, or the Officer appointed to bring in the detained Vessel, forthwith deliver to the Authorities duly appointed for that Purpose by the respective Governments, the Vessel, her Cargo, together with the Master, Crew, Passengers, and Slaves found on board, as also the Papers which shall have been seized on board the Vessel, and one of the Lists made out in Duplicate of the said Papers, the other remaining in his Possession. Such Officer shall at the same Time deliver to the said Authorities One of the Declarations made out in Duplicate, as hereinbefore specified, adding thereto a Statement of any Changes which may have taken place from the Time of Detention to that of the Delivery, as well as a Copy of the Declaration of any Renouveau which have taken place, as above provided for. In delivering over these several Documents the Officer will make a Statement of their Truth on Oath and in Writing.

7°. If the Commander of a Cruiser of either of the High Contracting Parties who shall be duly furnished with aforesaid Special Instructions shall have Reason to suspect that a Merchant Vessel sailing under Convoy or in company with a Ship of War of the other Party is engaged in the Slave Trade, or has been fitted out for the Purpose of that Traffic, he shall confine himself to the communicating his Suspicions to the Commander of the Convoy or of

of War, and he shall leave it to the latter to proceed alone to a Visit of the suspected Vessel, and to deliver her if the Case require it, to the Jurisdiction of her own Country.

The Cruisers of the Two Nations shall conform strictly to the Tenor of these Instructions, which are to be considered as a Development of the Clauses of the principal Convention of the Thirtieth Day of November One thousand eight hundred and thirty-one, as well as of the Convention to which they are annexed.

The undersigned Plenipotentiaries have agreed, in conformity with the Second Article of the Convention signed by them on this Day, the Twenty-second Day of March One thousand eight hundred and thirty-three, that the preceding Instructions shall be annexed to the said Convention and considered as an integral Part thereof.

Done at Turin, the Twenty-second Day of March One thousand eight hundred and thirty-three.

(Signed) Granville. (L. s.)
V. Broglie. (L. s.)

Article II.—It is agreed, with reference to Article Three of the Convention of the thirtieth Day of November One thousand eight hundred and thirty-one, herein above transcribed, that His Majesty the King of Sardinia shall fix according to his Convenience the Number of Sardinian Cruisers which shall be employed on the Service mentioned in the said Convention, and the Stations on which they shall cruise.

Article III.—The Government of His Majesty the King of Sardinia shall make known to the Governments of Great Britain and of France, conformably to Article Four of the Convention of the Thirtieth Day of November One thousand eight hundred and thirty-one, the Sardinian Ships of War which are to be employed in the Suppression of the Trade, in that the necessary Warrants for their Commanders may be delivered; the Warrants which are to be delivered by the Government of Sardinia shall be issued after Notification of the Number of British and French Cruisers intended to be employed shall have been made to the Sardinian Government.

Article IV.—It is agreed, with reference to the Fifth Article of the Instructions annexed to the Supplementary Convention of the Twenty-second Day of March One thousand eight hundred and thirty-three, that all Sardinian Vessel or Vessels under the Sardinian Flag which may be detained, in execution of the Conventions herein above transcribed by the undersigned Plenipotentiaries of His Majesty the King of the United Kingdom of Great Britain and Ireland or of His Majesty the King of France, employed on the Stations of America, of Africa, and of Madagascar, shall be carried in and delivered at the Port of Genoa.

Article V.—The present Treaty shall be ratified, and the Ratifications shall be exchanged at Turin in the Space of Three Months if possible.

Done at Turin the Eighth Day of August One thousand eight hundred and thirty-four.

(Signed) Aug. J. Foster. (L. s.)
Barante. (L. s.)
De la Tour. (L. s.)

Additional Article.

Done by the Fourth Article of the Treaty signed at Turin on the Eighth Day of August One thousand eight hundred and thirty-four, whereby the King of Sardinia accedes to the Two Conventions concluded between Their Majesties the King of the United Kingdom of Great Britain and Ireland and the King of the French on the Thirtieth Day of November One thousand eight hundred and thirty-one and on the Twenty-second Day of March One thousand eight hundred and thirty-three, it is stipulated, that all Vessels under the Flag of Sardinia, which in pursuance of the before-mentioned treaty Convention may be detained by the Cruisers either of His Majesty the King of the United Kingdom of Great Britain and Ireland or of His Majesty the King of the French, stationed on the Coasts of America, Africa, or Madagascar, shall be carried to Genoa: And whereas the landing of Negroes from such Ships at Genoa may be productive of great inconvenience, the undersigned Plenipotentiaries of the Three Powers, Parties to the aforesaid Treaty of Accession, being duly authorized and instructed by their respective Sovereigns, have agreed to the following additional Article to the before-mentioned Treaty:

Article.—Negroes who shall be found on board Vessels under the Flag of Sardinia which may be so detained, and according to the Stipulations of the said Treaty, are to be sent to Genoa, shall be landed at some Port nearer than to the Place where such Slave Vessels may be found; (that is to say,)

1°. That if such Sardinian Vessel shall be detained by an English Cruiser, the Negroes found on board such Vessel shall be landed at that Port or Place to which an English Slave Vessel found and detained under similar Circumstances, at the same Place, by a French Cruiser, would under the aforesaid Conventions with France be sent or taken.

2°. If such Sardinian Vessel shall be detained by a French Cruiser, the Negroes found on board such Vessel shall be landed at that Port or Place to which a French Slave Vessel, found and detained under similar Circumstances, and at the same Place, by an English Cruiser, would under the aforesaid Conventions with France be sent or taken.

3°. If such Sardinian Vessel shall be detained by a Sardinian Cruiser, the Negroes found on board shall be landed at the nearest of those Ports or Places, English or French, to which under the aforesaid Conventions with France the said Vessel having such Slaves on board would have been taken or sent if such Vessel had been either English or French, and of being Sardinian, and if she had been detained by an English or by a French Cruiser.

The present Additional Article shall have the same Force and Effect as if it had been inserted Word for Word in the before-mentioned Treaty of Accession signed at Turin on the Eighth Day of August last.

It shall be ratified by each of the High Contracting Parties, and the Ratifications shall be exchanged at Turin within the Space of Six Months.

Done at Turin the Eighth Day of December One thousand eight hundred and thirty-four.

(Signed) Henry Edward Fox. (L. s.)
Barante. (L. s.)
De La Tour. (L. s.)

And that the said treaty and the said additional article were ratified by and between His Majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the King of the French, and His Majesty the King of Sardinia respectively, and such ratifications were exchanged, videlicet, of the treaty, on the 8th of December 1834, and of the said additional article, on the 31st of January 1835: And that it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said treaty and of the said additional article:—

It is Enacted,

I. That it shall be lawful for any officer commanding any ship of war of His Majesty or of the King of Sardinia who shall have such rank as by the second article of the said convention of the 30th November 1831 is agreed, and who shall be duly instructed and authorized and furnished according to the several provisions of the said two conventions, and within the waters described and according to the provisions and exceptions contained in the first article of the said convention of the 30th November 1831, to exercise the right of visiting and searching any merchant vessel of either of the said two nations of Great Britain and Sardinia liable to suspicion and suspected of having engaged in or of having been employed in the slave trade, or having been fitted out for the purposes of such traffic, according to the several provisions and instructions of the said two conventions, except as in the said third article of the said supplementary convention is excepted; and it shall further be lawful for such officer under such circumstances, and upon sufficient grounds, to exercise the right of detaining and of sending or carrying in and delivering over such vessel, together with its master, sailors, passengers, slaves, and cargo, to the authorities appointed by the respective governments of Great Britain, France, and Sardinia, for the purposes of the said treaty of the 8th of August 1834, and the additional article thereto by the respective governments of Great Britain, France, and Sardinia, and one of the jurisdictions in the said instructions mentioned, as the same are altered and modified by the said treaty, in order that proceedings may be instituted conformably to the respective laws of the said two countries of Great Britain and Sardinia; and all such commanders of His Majesty's ships are hereby authorized and required, in the exercise of such right of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several provisions and instructions of the said two conventions as apply thereto respectively, and as the same are altered and modified by the said treaty of the 8th of August 1834, and the additional article thereto.

II. That where any such officer of His Majesty the King of the United Kingdom of Great Britain and Ireland or of His Majesty the King of Sardinia shall send, carry, or deliver over as aforesaid any such merchant vessel, wholly or in part owned by any subject or subjects of His Majesty the King of the United Kingdom of Great Britain and Ireland or of His Majesty the King of Sardinia respectively, all and every proceedings instituted in the tribunals hereinafter mentioned, in regard to such merchant vessel, and its crew, cargo, and slaves, and in respect to the cause, shall be conducted in the name of His Majesty the King of the United Kingdom of Great Britain and Ireland, by some person duly thereunto authorized; (that is to say,) ships, cargoes, and slaves which shall be so detained by the cruisers of His Majesty the King of the United Kingdom of Great Britain and Ireland or of His Majesty the King of Sardinia, and delivered up to the jurisdiction of His Majesty at Bathurst on the river Gambia, shall be proceeded against and adjudicated in the Vice Admiralty Court of Sierra Leone; and all other ships, cargoes, and slaves which may in like manner be detained by the cruisers of His Majesty the King of the United Kingdom of Great Britain and Ireland or of His Majesty the King of Sardinia, and delivered up to the jurisdiction of His Majesty at Jamaica, the Cape of Good Hope, or Demerara, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said colonies respectively; and the Judges and other officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof respectively.

III. That if any of the particulars specified in the sixth article of the said convention of the 22nd of March 1833, shall be found in the outfit or equipment of or on board of any such merchant vessel, wholly or in part owned as last aforesaid, visited and detained in pursuance of the said treaty, such vessel shall, unless proof be given to the contrary, be held to have engaged in the slave trade, or to have been fitted out for the purpose of such traffic, and to be equipped and employed for the purposes declared unlawful by an Act, 5 Geo. 4. c. 113, intituled, 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.'

IV. That in case any such merchant vessel, wholly or in part owned as aforesaid, shall be brought in by any officer of His Majesty the King of Sardinia duly authorized, and shall be confiscated according to the laws of this country, and the provisions of the said two conventions (as the same are altered and modified by the said treaty), and of the said Act, 5 Geo. 4. c. 113, it shall be lawful for His Majesty the King of the United Kingdom of Great Britain and Ireland, to direct that a portion of the proceeds arising from the sale thereof shall be paid into the hands of the government of His Majesty the King of Sardinia according to the provisions of the fifth article of the said convention of the 22nd of March 1833; and any portion of the proceeds arising from the sale of any ship agreed to be paid into the hands of the government of His Majesty the King of the United Kingdom of Great Britain and Ireland according to the provisions of the said fifth article, or cargo, shall be paid to such persons or persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the use of the captors, according to the provisions of the said fifth article; and the same, after deducting all necessary expenses, be distributed to and amongst the officers and crew of the capturing ship, in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessel.

V. That there shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the commanders, officers, and crews of His Majesty's ships authorized to make seizures under the said treaty of the 8th of August 1834, a bounty of 5*l.* of lawful money of Great Britain for every slave, whether man, woman, or child, seized and delivered on board a British or Sardinian ship or vessel taken, delivered over, and condemned in pursuance of the provisions of the said treaty and of this Act; such bounty to be issued and paid by order from the said Commissioners of His Majesty's Treasury to be distributed to and amongst the captors aforesaid in such manner and proportion as His Majesty, his heirs and successors shall think fit to order and direct by any order in council or by any proclamation to be made for that purpose.

VI. Provided, That in order to entitle the captors to receive the said bounty money the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury by producing a

certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed, to receive such slaves.

That where any slaves, or persons treated, dealt with, carried, kept, or detained as slaves, shall be taken or seized on any British or Sardinian ship or vessel, in pursuance of the provisions of the said treaty and of this Act, but shall not have been condemned, or shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them, to direct the payment out of the Consolidated Fund of the United Kingdom of a sum not exceeding one moiety of the bounty which would have been due in each case respectively, if the said slaves had been delivered over and condemned.

Provided, That any party or parties claiming any benefit by way of bounty under the provisions of this Act, or any part of the proceeds of any Sardinian vessel confiscated in pursuance of the provisions of the aforesaid treaty, shall and may apply to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf, and it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any question of joint capture which may arise on any seizure made in pursuance of this Act, and to enforce any decrees or orders of the said Vice Admiralty Courts relating to any such seizure.

That all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by prize agents of accounts of prizes, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the perage due thereon to Greenwich Hospital, shall be and are extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of His Majesty's ships or vessels of war.

That where any illegal visit and detention, or any visit or detention without sufficient cause of suspicion, or any abuse or excess, shall have taken place, and shall have been made by any officer of His Majesty the King of Great Britain and Ireland as is mentioned in the eighth and ninth articles of the said convention of the 22nd of March 1833, it shall be lawful for the Commissioners of His Majesty's Treasury, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs and damages which may be awarded according to the provisions of the said two last-mentioned articles: Provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made when lawfully called upon so to do by the said Commissioners of His Majesty's Treasury.

That when any seizure shall be made by any of the commanders, officers, and crews of His Majesty's ships authorized to make seizures under the aforesaid treaty, and when judgment shall be given against the seizer, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizer may have incurred in respect of such seizure, or any proportionate part thereof.

That if any action or suit shall be commenced, either in Great Britain or elsewhere, against any person or persons, for anything done in pursuance of the said treaty, or in pursuance of this Act in as far as it relates to the said treaty, the defendant or defendants in such action or suit may plead the general issue and give this Act and the special matter in evidence at any time to be had thereupon, and may plead that the same was done in pursuance and by the authority of the said treaty or of this Act, and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall sue, or shall discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and shall have the like remedy for the same as defendants have in other cases by law.

CAP. LXI.

ACT for carrying into effect the Treaty with the King of the French and the King of Denmark for suppressing the Slave Trade.

(9th September 1835.)

Enacted, after reciting a treaty on the 26th of July 1834, between His Majesty the King of Great Britain and Ireland, and His Majesty the King of the French, and His Majesty the King of Denmark, signed at Copenhagen, and setting forth similar provisions and agreements as in the preceding Act, then proceeds to enact the same clauses and enactments.

CAP. LXII.

AN ACT to repeal an Act of the present Session of Parliament, intituled, *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State; and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths.*

(9th September 1835)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act repealed.*
2. *Lords of the Treasury empowered to substitute a declaration in lieu of an oath, &c. in certain cases.*
3. *Declaration substituted to be published in the Gazette, and after 21 days from the date thereof the provisions of this Act apply;—*
4. *And no oath to be administered in lieu of which such declaration has been directed.*
5. *False declarations in matters relating to certain revenues a misdemeanor.*
6. *Oath of allegiance still to be required in all cases.*
7. *Oaths in Courts of Justice, &c. still to be taken.*
8. *Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.*
9. *Churchwarden's and sidesman's oath abolished, and a declaration to be made in lieu thereof.*
10. *Declaration substituted for oaths and affidavits by persons acting in turnpike trusts.*
11. *Declaration substituted for oaths and affidavits heretofore required on taking out a patent.*
12. *Declaration substituted for oaths and affidavits required by Acts as to pawnbrokers.—Penalties as to such oaths, &c. to be the same as in the recited Act.*
13. *Justices not to administer oaths, &c. touching matters whereof they have no jurisdiction by Statute.—Proviso.*
14. *Declaration substituted for oaths and affidavits required by Bank of England on the transfer of stock.*
15. *Declaration substituted for oaths and affidavits required by 5 Geo. 2. c. 7, and 54 Geo. 3. c. 15.*
16. *Declaration in writing sufficient to prove execution of any will, codicil, &c.*
17. *Suits on behalf of His Majesty to be proved by declaration.*
18. *Voluntary declaration in the form in the Schedule may be taken.—Making false declaration a misdemeanor.*
19. *Fees on oaths payable on declarations substituted in lieu thereof.*
20. *Declarations to be in the form prescribed by Schedule.*
21. *Persons making false declaration deemed guilty of a misdemeanor.*
22. *Act to take effect after 1st October 1835.*
23. *Act may be amended this session.*

By this Act,

After reciting an Act, 5 Will. 4. c. 8, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and that it was thereby enacted that the said Act should take effect from and after the 1st of June 1835, it not being intended that the said recited Act should take effect before the same received the royal assent: And that the said recited Act did not receive the royal assent till after the said 1st of June 1835: And that it was enacted by the said recited Act, that from and after the 1st of June next ensuing it should not be lawful for any Justice of the Peace to administer or receive such voluntary oaths as are therein mentioned, it being intended that the said prohibition should take effect from the time of the commencement of the said recited Act: And that it is expedient to amend the said Act, and to make some further provisions for the better effecting the object thereof, and to consolidate the provisions relating thereto into one Act:—

It is Enacted,

- i. That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed.
- ii. That in any case where, by any Act or Acts made or to be made relating to the revenues of the Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works, and Buildings, the Office, the Army Pay Office, the Office of the Treasurer of the Navy, the Accountant General of the Navy, or the Ordnance Office, the Admiralty, the Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of His Majesty's Secretaries of State, the India Board, the Office for auditing the Public Accounts, the National Debt Office, or any office under the controul, direction, or superintendence of the Lords Commissioners of His Majesty's Treasury, or by any official or person acting in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful for the Lords Commissioners of His Majesty's Treasury or any one of them, if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit which might but for the passing of this Act, be required to be taken or made by the person who might under the Act or Acts imposing the same, be required to take or make such oath, solemn affirmation, or affidavit shall, in presence of the Commissioners, collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration, and every such Commissioner, collector, officer, or person is hereby empowered and required to administer the same accordingly.

that where by any Act or Acts at the time in force for regulating the business of pawnbrokers any oath, affirmation, or declaration, but for the passing of this Act, be required to be taken or made, the person who, by or under such Act or Acts required to take or make such oath, affirmation, or affidavit shall in lieu thereof make and subscribe a declaration to the same effect; and such declaration shall be made and subscribed at the same time, and on the same occasion, and in the presence of the same person or persons, as the oath, affirmation, or affidavit in lieu whereof it shall be made and subscribed.

by any declaration, affirmation, or affidavit shall be in like manner, due and payable upon making and subscribing the same.

That in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the Schedule hereunto.

That in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

That this Act shall commence and take effect from and after the 1st of October 1835.

That this Act may be amended, altered or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE referred to by the foregoing Act.

I do solemnly and sincerely declare, That _____ and I make this solemn Declaration conscientiously and truthfully that the same to be true, and by virtue of the Provisions of an Act made and passed in the _____ Year of the His present Majesty, intituled *An Act [here insert the Title of this Act]*.

CAP. LXIII.

To repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.

(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

Act repealed.

Nothing herein to interfere with anything done, or to prevent the recovery of penalties under the repealed Act.

Provisions in recited Acts as to models and copies of standard weights and measures repealed.

Weights and measures stamped at the Exchequer declared legal, although not similar in shape to those required by recited Acts. Superintending officer may verify and stamp weights and measures of other form than those prescribed by the Act 5 Geo. 4. c. 74.

Weights of the standard weights and measures, which shall have been worn and mended, to be sent to the Exchequer to be re-verified. Officer to keep a register thereof.

Weights and customary measures abolished.—Not to prevent sale of articles in certain vessels.

Weights and measure abolished.

Weights heretofore sold by heaped measure, how to be sold.

Weights to be sold by weight and not by measure.

Articles to be sold by avoirdupois, except as herein stated.

One weight, hundred weight, and ton.

Weights of weights and measures to be stamped on them.

Weights made of lead or pewter not to be stamped.

Ascertaining certain rents and tolls, &c. payable in England and Ireland.

Ascertaining certain rents, tolls, &c. payable in Scotland.

Regulation as to fair prices of commodities in Scotland.

Weights of the imperial standards to be provided by order of General or Quarter Sessions in England, and by meetings of Justices in Scotland.

Scotland.—Appointment of inspectors.

Time for operation of Act in Orkney and Zetland.

Weights of standards to be provided by grand juries in Ireland;—and inspectors appointed.

To order copies of standards in counties in Ireland when it has not been done by grand juries.

Provision in England and Scotland and grand juries in Ireland to procure stamps for inspectors, for stamping all weights and measures.

Penalty on using weights or measures not authorized by Act, &c.—No weights above 56 lbs. to be stamped on.

Provision for copies of standard weights, and the remuneration to inspectors, to be provided out of county rates, &c. XIX

Inspector to enter into recognizance to attend at market towns, when ordered by Justices, &c.—Inspector to pay fees to treasurer of county, &c.

Inspector to pay fees to treasurer of county, &c.

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25. Power to Magistrates of towns, &c. to appoint inspectors.—Powers of such inspectors.—Penalty on inspector knowingly using false weights, &c. of any person residing out of the district.
26. Weighmasters in Ireland to be supplied with beams and scales, and accurate copies.
27. Weights and measures once stamped need not be re-stamped.
28. Power to Justices and inspectors to enter shops and inspect weights and measures.
29. Penalty on inspector for neglect of duty or for misconduct.
30. Penalty for counterfeiting stamps on weights and measures.
31. Penalty on price lists, &c. denoting greater or less weight or measure than the same denomination of imperial weight or measure.
32. As to penalties in England and Ireland.
33. Suing for penalties.—Form of conviction.
34. Recovery of penalties;—by distress, &c.—If not sufficient distress, offender to be committed to common gaol, &c.
35. Persons aggrieved may appeal to Quarter Sessions.
36. Proceedings not to be quashed for want of form, or removed.
37. As to penalties in Scotland.
38. Appeal in Scotland to Commissioners of Justiciary at circuit court.
39. Limitation of actions, &c.
40. Plaintiff not to recover after tender of amends.
41. 4 Anne (I.) and 5 Geo. 4. c. 110, repealed except so far as relate to duties, &c. of weighmasters.
42. Powers of ward inquests in London, &c. not to be interfered with.
43. Rights of the Founders Company reserved.
44. Saving the rights of the Universities of Oxford and Cambridge.
45. Not to abridge the power of the lect jury, &c.
46. Act may be amended this session.

By this Act,

After reciting an Act, 4 & 5 Will. 4. c. 49, intituled, 'An Act to amend and render more effectual Two Acts of the Sixth Years of the Reign of His late Majesty King George the Fourth relating to Weights and Measures; and to expedient to repeal the same, and to make other provisions instead thereof:—

It is Enacted,

I. That the said Act shall be and the same is hereby repealed.

II. Provided, That nothing herein contained shall extend or be construed to extend to interfere with any acts or appointments made under the authority of the said Act, or to prevent the suing for or recovery of any penalty due in any offence committed against the provisions of the said Act previous to the repeal thereof in and by this Act; or to defeat any prosecution commenced or to be brought for such offence; but all penalties and forfeitures so incurred may be recovered in the same manner as any penalties and forfeitures incurred under the provisions of this Act in force before the repeal.

And after reciting an Act, 5 Geo. 4. c. 74, intituled, 'An Act for ascertaining and establishing Uniformity of Weights and Measures; and another Act, 6 Geo. 4. c. 12, intituled, 'An Act to prolong the Time of the Commencement of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said Act; And that, notwithstanding the provisions of the said recited Acts, many sets of weights and measures of old and different shapes have been made and verified and stamped by the Chamberlains as well as by the Auditor in the Exchequer as models of the said new standards, and have been used as standard weights and measures under the said recited Acts, different in shape and form from the standards prescribed by the said recited Act, 5 Geo. 4. aforesaid; and it is expedient that such standard weights and measures should be made legal, and that the Comptroller General or some other officer of the Exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, standards of length, weight, or measure, although not exact models and copies in shape and form of the respective standards of length, weight, and measure deposited under the provisions of the said first-recited Acts in the office of the said Comptroller General and Auditor: And that it is expedient that the use of all weights and measures not in conformity with the weights and measures established by the said recited Acts should be prohibited, and that the use of the heaped measure should be abolished.

It is Enacted,

III. That so much of the said last-mentioned recited Acts as require that all weights and measures shall be made and verified in shape or form of the standards deposited in the Exchequer, and also so much of the said recited Acts as require that all weights and measures shall be made and verified in conformity with the imperial standard weights and measures established by the said recited Acts, or shall be and the same are hereby repealed.

IV. That all weights and measures which have been so verified and stamped at the Exchequer at Westminster as the standard weights and measures, corresponding in weight and capacity with those established by the said recited Acts, shall be deemed and taken to be legal weights and measures, to be used for comparison as copies of the imperial standard weights and measures, although not similar in shape to those required under the provisions of the said recited Acts; and the Comptroller General, or some other officer of the Exchequer at Westminster duly authorized, may compare and verify, and stamp as so compared and verified, as correct standard measures of a yard, and as correct standard weights, and as correct standard measures of capacity, any weights and measures which shall correspond in length, weight, and capacity, with the standards, or parts or multiples thereof respectively, deposited in the Exchequer under the said Act, 5 Geo. 4. c. 12, although such weights and measures may not be models or copies in shape or form of the standards so deposited as the standards in the said recited Acts to the contrary notwithstanding.

at all copies of the imperial standard weights and measures which may have become defective, or have been mended in consequence of any wear or accident, shall forthwith be sent to the Exchequer at Westminster for the purpose of being again examined and verified, and shall be stamped as re-verified copies of the imperial standard weights and measures, provided that the Comptroller General or other officer appointed for such verification shall deem them fit to be used for the purposes of standard, and every new comparison and verification shall be indorsed upon the original indenture of verification; and such weights and measures shall be so stamped upon payment of fees of verification only; and the Comptroller General or other officer the Exchequer duly authorized shall keep an account or register of all copies of the imperial standard weights and measures that shall have been verified at the Exchequer.

And from and after the passing of this Act the measure called the Winchester bushel, and the lineal measure called the fathom, and all local or customary measures, shall be abolished; and every person who shall sell, by any denomination of measure other than one of the imperial measures, or some multiple or some aliquot part, such as half, the quarter, the eighth, the sixteenth, or the thirty-second parts thereof, shall, on conviction, be liable to a penalty not exceeding the sum of 40s. for every such sale: Provided always, that nothing herein contained shall prevent the sale of any articles in any vessel, where the vessel is not represented as containing any amount of imperial measure, or of any fixed, local, or customary measure heretofore used.

And for noticing that the heaped measure is liable to considerable variation:—

Enacted,

That from and after the passing of this Act so much of the said recited Acts as relate to the heaped measure shall be hereby repealed, and the use of the heaped measure shall be abolished, and all bargains, sales, and contracts which shall be made after the passing of this Act by the heaped measure shall be null and void; and every person who shall sell any article by the heaped measure shall, on conviction, be liable to a penalty not exceeding 40s. for every such sale.

And for reciting that some articles heretofore sold by heaped measure are from their size and shape incapable of being sold by weight, and from their nature and quality may not be conveniently sold by weight:—

Enacted,

That all such articles may henceforth be sold by a bushel measure, corresponding in shape with the bushel prescribed by the said Act, 5 Geo. 4, for the sale of heaped measure, or by any multiple or by some aliquot part, such as the half, the quarter, or the eighth part thereof, filled in all parts as nearly to the level of the brim as the size and shape of the articles shall admit: Provided always, that nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure.

And for reciting that the sale of all coals, slack, culm, and cannel of every description by weight, and not by measure, is greatly to prevent the commission of frauds and impositions in the vend and delivery of such coals, slack, culm, and cannel of every description:—

Enacted,

That from and after the 1st of January 1836, all coals, slack, culm, and cannel of every description shall be sold by weight, and not by measure; and every person who shall from and after the 1st of January 1836, sell any coals, slack, culm, or cannel of every description by measure, and not by weight, shall, on conviction, be liable to a penalty not exceeding 40s. for every such sale.

And from and after the passing of this Act all articles sold by weight shall be sold by avoirdupois weight, except gold, silver, diamonds or other precious stones, which may be sold by troy weight, and drugs, which, when sold by retail, shall be sold by apothecaries weight.

And for noticing that by local customs in markets, towns, and other places throughout the United Kingdom, the denomination of weight varies:—

Enacted,

That from and after the passing of this Act the weight denominated a stone shall in all cases consist of fourteen standard avoirdupois, and that the weight denominated an hundred weight shall consist of eight such stones, and that the weight denominated a ton shall consist of twenty such hundred weight: Provided always, that nothing herein contained shall prevent the use of any sale, or contract being made by any multiple or by some aliquot part, such as the half, the quarter, the eighth, or any other part of the pound weight.

And for noticing that all weights which shall be made after the passing of this Act of the weight of one pound avoirdupois or more shall be stamped with the number of pounds contained in every such weight stamped or cast on the top or side thereof in legible figures and letters, and that all measures of capacity which shall be made after the passing of this Act shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

And for noticing that the use of weights made of soft materials affords facility to fraud:—

Enacted,

That from and after the 1st of January 1836, no weight made of lead or of pewter, or of any mixture thereof, shall be used: Provided always, that nothing herein contained shall prevent the use of lead or pewter, or of any mixture thereof, in the manufacture of weights, if they be wholly and substantially eased with brass, copper, or iron, and legibly stamped or marked, or shall prevent the insertion of such a plug of lead or pewter into weights as shall be bona fide made for the purpose of adjusting them and of affixing thereon the stamp hereinafter mentioned.

And for the purpose of ascertaining and providing for the fulfilment of all existing contracts, and fixing the payments made in consequence of such contracts or rents in England and Ireland payable in grain or malt, or in any other commodity or thing, and in consequence of any toll, rate, or duty heretofore payable according to the weights and measures heretofore in use, where the same shall not have been already ascertained and fixed by agreement between parties, or under the provisions of said Act, 5 Geo. 4. c. 74:—

It is Enacted,

xiv. That at the General or Quarter Sessions of the Peace to be holden in every county, riding, or division, and in every city, town, or place (being a county of itself), in England or Ireland, next after the expiration of three months after the passing of this Act, or at any General or Quarter Sessions of the Peace to be holden thereafter, on the application of any party to the said Sessions, an inquisition shall be taken before the Justices assembled at such General or Quarter Sessions, by the twelve substantial freeholders of the said respective counties, cities, towns, or places, having lands or tenements to the value of 100*l.* per annum or upwards, to be summoned by the sheriff or proper officers of every such county, city, town, or place, to inquire into and ascertain the amount, according to the standard of weight or measure by this Act established, of all corn or to be performed or rents to be paid in grain or malt or any other commodity or thing, or with reference to the measure or of any such grain, malt, or other commodity or thing, and the amount of any toll, rate, or duty heretofore payable according to any weights and measures heretofore in use within such counties, cities, towns, or places respectively; and in taking such inquisition, care shall be taken that in every case in which grain, malt, or meal, or any other commodity or thing, having been sold by weight shall henceforth be sold by weight, no increase or diminution be made in the amount of weight, rate, toll, or duty hereafter payable for such grain, malt, or any other commodity or thing, due regard being had to the substitution of measure for weight, or of weight for measure, as the case may be; and such inquisitions, when taken, shall be transmitted by the respective clerks of the peace of the same counties respectively, or by the mayor, bailiff, or other officer of every such city, town, or place (being a county of itself), into His Majesty's Court of Exchequer at Westminster in England respectively, and shall be there enrolled of record, and shall and may be given in evidence in any action or suit or in equity; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such contracts, rents, tolls, rates, or duties in all time coming; and the costs and charges of such inquisitions and the enrolments thereof shall be paid and defrayed by the party on whose application such inquisition is taken.

And for the purpose of ascertaining and providing for the fulfilment of all existing contracts, and fixing the payments made of all stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever payable in grain, malt, or any other commodity or thing, in Scotland, or in any other place or district of the same, according to the weights and measures heretofore in use, when such payments shall not have been already ascertained and fixed by agreement between parties, or under the provisions of the said Act, 5 Geo. 4. c. 74:—

It is Enacted,

xv. That the sheriff in each shire in Scotland shall, on the application of any party to such sheriff, as soon as convenient may be after the expiration of three calendar months from and after the passing of this Act, summon and impanel a jury of the same number and of the same qualifications which are required in the jury who strike the fair prices of grain within the same shire, to assemble at such place or places as he shall find convenient, which jury shall inquire into and ascertain the amount, according to the standards by this Act established of all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever payable in grain, malt, meal, or any other commodity or thing, according to the weights and measures heretofore in use within the same shires; and in taking such inquisition care shall be taken that in every case in which grain, malt, or meal, or any other commodity or thing, having been sold by weight shall henceforth be sold by weight, no increase or diminution be made in the amount of any stipend, feu duty, rent, toll, custom, or casualty payable for such grain, malt, or any other commodity or thing, due regard being had to the substitution of measure for weight, or of weight for measure, as the case may be; and such inquisitions, when taken, shall be transmitted by the respective clerks of each shire into His Majesty's Court of Exchequer at Edinburgh, and shall there be enrolled of record, and may be given in evidence in any action at law; and the amount so to be ascertained shall, when converted into the standard weights and measures, be the rule of payment in regard to all such stipends, feu duties, rents, tolls, customs, casualties, and other demands whatsoever in all time coming; and the costs and charges of such inquisitions and the enrolment thereof shall be assessed and levied, paid and defrayed, by the party on whose application such inquisition shall have been taken.

xvi. That in Scotland, from and after the passing of this Act, the fair prices of all grain in every county shall be the imperial quarter, and all other returns of the prices of grain shall be set forth by the same, without any reference to any other measure whatsoever; and that any sheriff clerk, clerk of a market, or other person who shall offend against this shall forfeit a sum not exceeding 5*l.*

xvii. That in England, at the General or Quarter Sessions of the Peace next after the passing of this Act, the Justices of the Peace of every county, riding, or division, or county of a city or county of a town, in General or Quarter Sessions, and in Scotland the Justices of the Peace at a meeting to be called for the purpose by the sheriff of each county, or magistrates of each royal burgh, within three months after the passing of this Act, and so from time to time at any General or Quarter Sessions, or meeting so called as aforesaid, shall determine the number of copies of the imperial weights and measures which they shall deem requisite for the comparison of all weights and measures in use within their respective jurisdictions, and shall direct that such copies, verified and stamped at the Exchequer, shall be provided of the same, and shall fix the places at which such copies shall be deposited, and shall appoint a sufficient number of inspectors of weights and measures for the safe custody of such copies, and for the discharge of the other duties hereinafter mentioned, and shall allot to each inspector a separate district, such district to be distinguished by a number or mark, and shall

at the expense of providing and transmitting such copies of the imperial standard weights and measures, and of to be used by the inspectors, and the remuneration to the inspectors, shall be paid in England out of the stock of such counties, ridings, divisions, or counties of cities; and in Scotland such expenses in the respective shires and cities or royal burghs shall be assessed by the Commissioners of Supply upon such shires and towns, and cities or royal burghs by the magistrates thereof, and shall be paid, along with the land tax payable in such shires or towns, to the collector of the land tax for the respective shires or towns, and in the case of the cities or royal burghs to the collector of the land tax for the respective cities or royal burghs.

stewartries and cities or royal burghs, to the collectors of the land tax in such shires or stewartries and cities or respectively; and in Ireland such expenses in the respective counties, counties of cities, and counties of towns, provided for and paid by presentments to be made by the grand juries on such counties, counties of cities, and counties of towns respectively; and the collectors of land tax in Scotland shall have such and the same powers of levying and recovering assessments to be made under this Act as are competent to them for levying and recovering the said land tax.

XXIII. That after the passing of this Act no maker or seller of weights or measures, or person employed in the selling thereof, shall be appointed an inspector of weights and measures under the provisions of this Act; and inspector shall forthwith enter into a bond or recognizance to the king, to be sued for in any court of record, in 200*l*. for the due and punctual performance of the duties of his office, and for the due and punctual payment, at times as he may be directed by the Justices, Magistrates, or other persons by whom he may have been appointed, received by him under the authority of this Act, and for the safety of the stamps and copies of the imperial standard and measures committed to his charge, and for their due restoration and surrender to such person or persons as may be authorized by the Justices, Magistrates, or other persons aforesaid, immediately on his removal or other cessation of office.

XXIV. That in England the Justices in General or Quarter Sessions assembled, and in Scotland the Justices or at a meeting called by the sheriff, and in Ireland the grand jury of each county, county of a city, or county of a town, determine and appoint on what day or days each and every such inspector shall attend with the stamps and copies of the imperial standard weights and measures in his custody at each of the several market towns, and at such other places as their respective jurisdictions as they shall deem expedient; and every such inspector so attending shall examine and stamp if found correct, all such weights and measures as shall be brought to him for that purpose, and shall affix measures and upon all weights of a quarter of a pound and upwards stamp a number or mark distinguishing them which he acts, and he shall keep a book, wherein he shall enter minutes of all such comparisons, and give, if required, a certificate under his hand of every such stamping; and every inspector shall, once in every quarter of a year, accede to the treasurer of the county, riding, division, county of a city or county of a town, or to such other persons as shall be authorized by those by whom he may have been appointed, for all fees received by him under this Act, and shall deliver the amount thereof to such treasurer or other persons as aforesaid, who shall duly account for the same.

XXV. Provided, That in the town of Berwick-upon-Tweed and all other places which have been or shall be hereafter provided for under the provisions of any Act of Parliament, whether local or otherwise, to appoint inspectors or examiners of weights and measures, and in all other places which have been or shall be hereafter provided by charter, Act of Parliament, or otherwise of legal jurisdiction, and which have been or shall be hereafter provided with copies of the imperial standard weights and measures verified and stamped at the Exchequer, it shall be lawful for the magistrates of such places, or for any other persons so authorized as aforesaid, to appoint an inspector or inspectors of weights and measures within the limits of their respective jurisdictions; and such inspectors so appointed shall, within such limits exclusively, have the same powers and duties as the inspectors of weights and measures appointed under this Act by the county Justices or grand juries, and shall account as aforesaid to such persons as shall be duly authorized by those by whom they have been appointed for the amount of the fees received by them: Provided always, that nothing herein contained shall authorize inspectors appointed by county Justices or grand juries from coming to any place within the limits of such other jurisdiction, or authority as aforesaid, and there inspecting and stamping the weights and measures of any person residing within such limits, for which such inspectors may have been appointed; but that any inspector knowingly stamping any weight or measure within the limits of any local jurisdiction for which another inspector may have been legally appointed shall forfeit a sum not exceeding 20*s*. for every weight or measure which he may so stamp.

XXVI. That in every city or town not being a county of itself, every individual or individuals or body corporate exercising the privilege of appointing a weighmaster shall, on or before the 1st of January 1836, or within three months thereafter, deliver to the Justices of the Peace for the county in which such right shall be exercised a set of copies of the imperial standard weights and measures for the county in which such right shall be exercised, in respect of capacity, and length, of the county set, under a penalty of 20*l*.; and the accuracy of such set of copies shall be certified by some inspector of weights and measures; and such set of copies shall, for the purpose of comparison, be considered copies of the imperial standard weights and measures required by this Act, and shall be used for that purpose whatever, under a penalty of 5*l*.; and once at least in every five years, under the like penalty, the same shall be adjusted by some set of copies of the standard weights and measures which shall have been verified by the standard.

XXVII. That no weight or measure duly stamped by any inspector appointed under the authority of the said Act, or repealed, or this Act, or by any other person or persons legally authorized to examine and stamp any weights or measures, shall be liable to be re-stamped, although the same be used in any other place than that at which the same was stamped, but shall be considered as a legal weight or measure throughout the United Kingdom, unless found to be unjust.

XXVIII. That in England and Ireland it shall be lawful for every Justice of the Peace of any county, riding, or division, or any city or town, and in Scotland for every sheriff, Justice, or magistrate of any borough or town or for any inspector or examiners of weights and measures in Scotland, at all reasonable times to enter any shop, store, warehouse, stall, yard, or place whatsoever within his jurisdiction, wherein goods shall be exposed or kept for sale, or shall be weighed for conveyance or carriage; and there to examine the weights, measures, steelyards, or other weighing machines, and to compare and try the same with the copies of the imperial standard weights and measures required or authorized to be provided under this Act; and if upon such examination it appears that the said weights or measures are light or otherwise unjust, the same shall be liable to be seized and forfeited, and the person or persons in whose possession the same shall be found shall, on conviction, forfeit a sum not exceeding 20*l*.; and any person who shall have in his or her possession a steelyard or other weighing machine which shall

shall be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such examination, when directed, all weights, measures, steelyards, or other weighing machines which shall be in his or her possession, or shall otherwise obstruct or hinder such examination, shall be liable to a like penalty.

XIII. That in case any inspector of weights and measures, or any other person legally authorized to examine and stamp any weights or measures, shall stamp any weight or measure without duly verifying the same by comparison with a copy of the imperial standard, or shall be guilty of a breach of any duty imposed upon him by this Act, or shall otherwise misconduct himself in the execution of his office, every such offender shall, upon conviction, forfeit a sum not exceeding 5*l.* for every such offence.

XIV. That if any person or persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, or counterfeiting, any stamp or mark now used or which may hereafter be used for the stamping or marking, of any weights or measures under this Act, shall for every such offence forfeit, on conviction, a sum not exceeding 60*l.* or less than 10*l.*; and if any person shall knowingly sell, utter, dispose of, or expose to sale any weight or measure with such forged or counterfeit stamp or mark thereon, every person so offending shall for every such offence forfeit, on conviction, a sum not exceeding 10*l.* or less than 4*l.*; and that all weights and measures with such forged or counterfeited stamps or marks shall be forfeited and broken up, and the proceeds thereof shall be disposed of in the manner hereinafter mentioned.

XV. That from and after the 1st of January 1836, if any person or persons shall print, or if the clerk of any market or other person shall make any return, price list, price current, or any journal or other paper containing price list or price current, in which the denomination of weights and measures quoted or referred to shall denote or imply a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures under and according to the provisions of this Act, such person or persons or clerk of the market shall forfeit and pay any sum not exceeding 10*s.* for every copy of every such return, price list, price current, journal or other paper which he or they shall publish.

XVI. That all penalties and forfeitures which shall be incurred under any of the provisions of the said recited Act of the 5th year of the said, or this Act, after deducting so much thereof, not exceeding a moiety, to be paid to the party on whose information the conviction shall take place, as the Justice before whom the party is convicted shall think fit, shall be paid to the treasurer of such county, riding, or division, county of a city, corporate town, or other place in which they shall hereafter be recovered, or to such other person as shall be duly authorized to receive the same, and be applied to and make part of the county stock, or of such other funds as shall be liable, under the provisions of this or any other Act, to the cost of providing and maintaining copies of the imperial standard weights and measures; anything in the said recited Act of the fifth year of the said to the contrary notwithstanding.

XVII. That in all counties, ridings, or divisions in England and Ireland, all penalties and forfeitures under this Act shall be used for before two or more Justices of the Peace at petty sessions, or before the mayor or other chief magistrate of any city, borough, town, or place within whose jurisdiction the offence shall have been committed; and that the conviction may be made according to the following form, or in words to the like effect:

It is remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before us, Two of His Majesty's Justices of the Peace [or before me, the Mayor or Chief Magistrate of the City, Borough, &c. of _____] for the [here specify the Offence, and the time and place when and where committed, &c.] Year of the Reign of King William the Fourth, Intituled, [here insert the Offence]; and we [or I] do adjudge that the said A. B. hath forfeited for his [or her] said Offence the Sum of [here insert the Penalty]. Given under our Hands and Seals [or my Hand and Seal] the Day and Year first above written.

XVIII. That in England and Ireland all penalties and forfeitures inflicted or imposed by this Act may, in case of non-payment thereof, be recovered in a summary way by the order and adjudication of two or more Justices of the Peace at petty sessions, or before the mayor or other chief magistrate of any borough, city, town, or place within whose jurisdiction the offence shall have been committed, on complaint to them or him for that purpose made, and afterwards be levied, as well as the costs (if any) of such proceedings, on non-payment, by distress and sale of the goods and chattels of the respective offenders, and under their hands and seals of such Justices, or hand and seal of such mayor or other chief magistrate, who is and is hereby authorized and required to summon and examine any witnesses of or concerning such offence, and to hear and receive the same; and the overplus (if any) of the money so raised or recovered, after discharging such penalties or forfeitures, and the costs and expenses as aforesaid, shall be returned, on demand, to the respective owners of the goods and chattels so seized and distrained; and in case any such penalty or forfeiture shall not be forthwith paid, it shall be lawful for such Justices, mayor, or other chief magistrate, to order any offender so convicted to be detained in safe custody until he can be conveniently made to such warrant of distress, unless such offender can give sufficient security, to the satisfaction of such Justices, mayor, or other chief officer, for his or her appearance before the said Justices, or before some other Justice of the Peace, or before such mayor or other chief magistrate, on such day as shall be appointed for the return of such warrant, such day not being later than eight days from the day of taking any such security, and which security any such Justice, mayor, or other chief magistrate are and is hereby empowered to take by way of recognizance or otherwise; but if upon return of such warrant it shall appear that no sufficient distress can be had whereupon to levy the said penalty or forfeiture, costs and expenses aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of any Justice, mayor, or other chief magistrate, upon the confession of the offender or otherwise, that he or she hath not sufficient goods and chattels whereupon such penalty or forfeiture, costs and expenses, could be levied if a warrant of distress were made, such Justice, mayor, or other chief magistrate shall not be required to issue such warrant, but in such case such Justice, mayor, or other chief magistrate is hereby required by warrant under their hands and seals or his hand and seal, to commit the offender to some common goal or house of correction for the county, city, borough, town, or place, there to remain, until he or she shall have paid any time not exceeding two calendar months or until such offender shall have paid such penalty or forfeiture, costs and expenses attending the proceedings (to be ascertained by such Justice, mayor, or other chief magistrate), or shall otherwise be discharged by due course of law.

XXXV. That in England and Ireland all persons who may think themselves aggrieved by any order, judgment, or sentence of any Justice of the Peace, mayor, or chief magistrate, relating to any matter or thing in this Act contained or contained, may, within fourteen days next after such order, judgment, or determination shall have been made or given, apply to the Justice of the Peace at the then next ensuing General or Quarter Sessions to be held for the city, borough, or county within which the alleged cause of appeal shall arise, first giving seven days notice in writing of such intention to appear, on the grounds and nature thereof, to the party against whom such complaint is intended to be made, and forthwith after the notice entering into a recognizance before some Justice of the Peace, mayor, or other chief magistrate, with two other persons, conditioned to try such appeal and abide the order and award, of the said Court thereon; and the said Justice may either hear and determine the said complaint at such General or Quarter Sessions, or, if they think proper, shall adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such city, borough, or county; and the said Justice may, if they see cause, mitigate any penalty or forfeiture, and may order any money to be returned which has been levied in pursuance of such order or determination, and may also order any such further satisfaction to be made to the party injured as they shall judge reasonable, and may also order such costs to be paid to the party aggrieved by such proceeding as they shall think reasonable.

XXXVI. That no proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or removed by certiorari, or by any other writ or proceeding whatsoever, into any of His Majesty's courts of record at Westminster, or elsewhere, any law or statute to the contrary notwithstanding.

XXXVII. That in Scotland all penalties incurred under the provisions of this Act, or of any of the before-recited Acts shall be recoverable, with expenses, either before the sheriff of the county, or the magistrates of the burgh or town corporate where the same may be incurred or where the offender may reside, or before two or more Justices of the Peace of such county, or instance either of the Procurator Fiscal of Court or any person who may prosecute for the same; and the whole penalty, deducting all charges and such remuneration to the person prosecuting as the said Justices shall think fit, shall be paid out of the funds liable under the provisions of this Act to the cost of providing and maintaining copies of the imperial statute weights and measures in the place where such penalties shall be awarded; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complainant of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expenses decreed for, failing payment, within fourteen days after such judgment by poinding, or by imprisonment for a period, at the discretion of the Court, not exceeding sixty days, if being barely paid that a record should be preserved of the charge and of the judgment pronounced.

XXXVIII. That in Scotland if any person or persons shall feel themselves aggrieved by the sentence of any sheriff, or of the Justices of the Peace, pronounced in any case arising under this Act, it shall be competent for such person or persons to appeal to the Court of Justiciary at the next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at Edinburgh, in the manner, and under the rules, limitations, and conditions contained in Act, 30 Geo. 3. c. 43, intituled, 'An Act for taking away and abolishing Heritable Jurisdictions in Scotland,' with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties and expenses awarded against him or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses which shall be awarded by the Court in dismissing the said appeal; and it shall not be competent to appeal from or to bring such appeal in any sheriff or Justice of the Peace acting under this Act under review by advocacy, suspension, or reduction, or in any other way other than as herein provided.

XXXIX. That in all actions brought against any person for anything done in pursuance of this Act, or in the execution of powers or authorities thereof, such action shall be laid and brought in the county within which the cause of action shall arise; and the defendant or defendants in such action may plead the general issue, and give this Act and the contents thereof in evidence at any trial to be had thereupon, and that the acts were done in pursuance of or by the authority of this Act, if they shall appear to have been so done, or that such action shall have been brought otherwise than as hereinbefore provided, and in every such case the jury shall find for the defendant or defendants; upon which verdict, or if the plaintiff or plaintiffs shall be nonsuited, or shall suffer a discontinuance of his, her, or their action, after the defendant or defendants shall have appeared thereto, or if a verdict shall pass against the plaintiff or plaintiffs therein, or if, upon demurrer or confession, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have his, her, or their costs, and shall have such remedy for recovering the same as defendants have for recovering costs of suit by law in any other case.

XL. That no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, if tender of sufficient amends shall have been made by or on behalf of the person or persons who shall commit such irregularity, trespass, or other wrongful proceeding, before such action brought; and in case where such action shall have been made, it shall be lawful for the defendant or defendants in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into court such sum or sums of money as he, she, or they shall think fit, whereupon proceedings, order, and adjudication shall be had and made in and by such Court in relation to whose defendants are allowed to pay money into court.

XLI. That an Act, 4 Anne (1.) intituled, 'An Act for regulating Weights used in this Kingdom, and that such weights shall be sold by Weight,' and another Act, 5 Geo. 4. c. 110, intituled, 'An Act for the Indemnity of Weighmasters in Proceedings against Persons using unlawful Weights in Ireland,' shall be and they are hereby repealed; and the Acts so repealed relate to the appointment, duties, and remuneration of weighmasters.

XLII. Provided, That nothing in this Act contained shall interfere with the powers of the wardens of the Mint, and the mint officers within the city of London and liberties thereof, and the borough of Southwark, or with the powers of the wardens of the Mint, the right of the mayor and commonalty and citizens of the city of London, or of the Lord Mayor of the city of London,

with respect to the stamping or sealing weights and measures, or concerning the office of gauger of wines, oils, honey, or gageable liquors imported or landed within the city of London and liberties thereof.

Provided, that nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the rights granted by the master, wardens, and commonalty of the mystery of founders of the city of London.

Provided, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the rights or privileges of the Universities of Oxford or Cambridge, but that the custody of the assize, assay, and overlooking of weights and measures in the city of Oxford and its suburbs, and in the town of Cambridge, shall continue as heretofore and be in the Chancellor, or his deputy, of the said Universities respectively; and that the Chancellor, Vice Chancellor, or his deputy of each of the said Universities for the time being, and none other, shall have the power, and is or are hereby authorized on occasion may require, to appoint in and for the said city and suburbs, and in and for the said town respectively, an or inspectors of weights and measures, and shall have full power and authority to perform and execute all such matters and things as are required or are granted to Justices of the Peace of any county, city, town, or other jurisdiction in England, under the provisions of this Act, or by any or either of the said recited Acts; and every such inspector is hereby authorized and empowered to put in force and execute all such powers and provisions as are by this Act, or by any or either of the said recited Acts, granted to or required of any inspector or inspectors of weights and measures appointed as aforesaid Justices of the Peace in Quarter Sessions assembled.

Provided, That nothing in this Act contained shall extend or be construed to extend to supersede, limit, take away, or prevent the authority which any person or persons, bodies politic or corporate, or any person appointed at any court any hundred or manor, or any jury or ward inquest, may have or possess for the examining, regulating, seizing, breaking, destroying any weights, balances, or measures within their respective jurisdictions, or the power given by any Act or law in force to Justices or other authorities to appoint examiners for the inspection of weights and measures.

That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this session of Parliament.

SCHEDULE OF FEES to be taken by all INSPECTORS OF WEIGHTS AND MEASURES appointed under the Authority of this Act.

For examining, comparing, and stamping all Brass Weights, within their respective Jurisdictions:

	s.	d.
Each Half Hundred Weight	0	9
Each Quarter of a Hundred Weight	0	6
Each Stone	0	4
Each Weight under a Stone to a Pound inclusive	0	1
Each Weight under a Pound	0	0
Each Set of Weights of a Pound and under	0	2

For examining, comparing, and stamping all Iron Weights, or Weights of other Descriptions not made of Brass, within their respective Jurisdictions:

	s.	d.
Each Half Hundred Weight	0	3
Each Quarter of a Hundred Weight	0	2
Each Stone	0	1
Each Weight under a Stone	0	0
Each Set of Weights of a Pound and under	0	2

For examining, comparing, and stamping all Wooden Measures, within their respective Jurisdictions:

	s.	d.
Each Bushel	0	3
Each Half Bushel	0	2
Each Peck, and all under	0	1
Each Yard	0	0

For examining, comparing, and stamping all Measures of Capacity of Liquids, made of Copper or other Metal, within their respective Jurisdictions:

	s.	d.
Each Five Gallon	1	0
Each Four Gallon	0	9
Each Three Gallon	0	6
Each Two Gallon	0	4
Each Gallon	0	2
Each Half Gallon	0	1
Each Quart, and under	0	0

CAP. LXIV.

AN ACT to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.

(9th September, 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Agreements to submit to arbitration and awards made in Ireland exempted from stamp duty.
2. Stamp duty in Great Britain and Ireland on policies of insurance on lives not exceeding 100l. repealed.
3. Reduced duties upon policies of insurance on lives not exceeding 100l.
4. Commissioners of the Treasury authorized to compound with the East India Company for the stamp duties on India bonds.
5. Transfers in England of the territorial debt of the East India Company to be chargeable with a stamp duty of 30s. only.
6. Letters of attorney for voting on the election of East India directors exempted from stamp duty.
7. Members of any one of the four Inns of Court may be admitted in any other of the said Inns free of duty.
8. The time for giving notice of intention to compound for assessed taxes enlarged until the 1st of October 1835.
9. Composition on four wheel carriages drawn by one horse only declared valid.
10. Commissioners of the Treasury authorized to appoint distributors and sub-distributors of stamps to be collectors of the land assessed taxes in Scotland.—Proviso.
11. Such collectors, &c. to give security.
12. Bonds, commissions, &c. under this Act to be free from stamp duty and fees.
13. Land tax in Scotland to be collected and paid under the same rules as the assessed taxes.
14. Repeal of the duties granted by the repealed Acts on race horses.
15. Duty of 3l. 10s. per annum to be charged on race horses, in lieu of former duties.
16. Exemption granted to farmers from the duty on one riding horse by 4 & 5 Will. 4. c. 73, explained and amended.
17. Exemption granted to certain officers by 52 Geo. 3. c. 93, Schedule (C.) for one male servant, being a soldier, extended to number of servants, being soldiers, as may be allowed to each officer by the regulations of the service.

By this Act,

After reciting that it is expedient that all deeds, bonds, or other instruments made in Ireland for the purpose of settling matters in dispute to arbitration, and all awards thereupon, should be exempted from stamp duty;—

It is Enacted,

I. That from and after the passing of this Act all deeds, bonds, agreements, or other instruments made and executed in Ireland, whereby any person or persons shall become bound or agree to submit any matter in dispute to arbitration, and all awards made in pursuance of any such submission as aforesaid, shall be and the same are hereby exempted from all stamp duty whatsoever.

II. And after reciting that under and by virtue of the laws in force in Great Britain and Ireland respectively, policies of assurance or insurance, whereby insurances are made upon lives, are chargeable with certain stamp duties: And that it is expedient to reduce the stamp duties chargeable on all such policies where the sum insured shall not exceed 100l.

It is Enacted,

III. That from and after the passing of this Act all stamp duties now payable under any Act or Acts in force in Great Britain and Ireland respectively upon any policy of assurance or insurance or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives, or upon any event or contingency relating to or depending upon any life or lives, where the sum insured shall not exceed 100l., shall respectively cease and determine, and shall be and the same are hereby repealed.

IV. That from and after the commencement of this Act, in lieu and instead of the duties upon policies of assurance or insurance hereby repealed, there shall be raised, levied, collected, and paid in Great Britain and Ireland respectively, unto the use of His Majesty, his heirs and successors, the several stamp duties or sums of money following; (that is to say,)—

For and upon every Policy of Assurance or Insurance or other Instrument, by whatever name the same shall be called, whereby any Insurance shall be made upon any Life or Lives, or upon any Event or Contingency relating to or depending upon any Life or Lives:—

Where the Sum insured shall not exceed Fifty Pounds, the Stamp Duty or Sum of Two Shillings and Sixpence;

And where it shall exceed Fifty Pounds and not exceed One hundred Pounds, the Stamp Duty or Sum of Five Shillings.

And after noticing that it is expedient that the bonds to be made and issued by the East India Company for the payment of any definite and certain sum of money should be freed and exempted from all stamp duties upon payment by the said Company of an annual sum as a composition for and in lieu of such duties, in the manner hereinafter mentioned;

It is Enacted,

V. That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury for time being, or any three or more of them, from time to time to compound and agree with the East India Company for the payment by the said Company of such an annual sum of money as the said Commissioners shall deem to be a reasonable composition for and in lieu of such duties, in the manner hereinafter mentioned;

and in lieu of the stamp duties which would otherwise be payable on such bonds as aforesaid, to be made and issued by the said company at any time during the term for which such composition shall be made; which said sum of money so agreed shall be paid to the Receiver General of Stamps and Taxes by two equal half-yearly payments on such days in every year as the said Commissioners shall appoint for that purpose, and the payment thereof accordingly shall be made by the bond of the said company, which is hereby exempted from stamp duty; and every such composition shall either be for one year or for any term not exceeding five years, at the discretion of the said Commissioners, and renewed and continued from time to time for any further term not exceeding as aforesaid, and for the payment of the any greater or less annual sum as the said Commissioners shall deem to be reasonable; and upon such composition agreed upon and secured in manner aforesaid, all the bonds for the payment of any definite and certain sum or sums of which shall be made and issued, by the said company during the term for which such composition shall be made, and, or continued shall be and the same are hereby freed and exempted from all stamp duties.

And after noticing that under and by virtue of the laws in force in Great Britain the transfer of any share in the stock and territorial debt of the said Company in India may be transferred from the books of the company in India to their books in England, and may be transferable in such last-mentioned books in the same manner as the stock and funds of the said commonly called East India Stock are now transferable; and it is expedient that all transfers of the said territorial debt may be made in England should be subject only to the same amount of stamp duty as transfers of shares in the stock and the said company called East India Stock are now subject to as aforesaid;—

It is Enacted,

that from and after the passing of this Act every transfer of any part of the said territorial debt in the books of the company in England, whether upon a sale thereof or otherwise, shall be chargeable with a stamp duty of 1*l.* 10*s.* and

after noticing that under and by virtue of the laws in force in Great Britain and Ireland respectively letters or powers are chargeable with certain stamp duties, and it is expedient to exempt from such duties the letters or powers of hereinafter mentioned;—

It is Enacted,

that from and after the passing of this Act all letters or powers of attorney for voting on any election of a director of the East India Company shall be and the same are hereby exempted from all stamp duties whatsoever.

And after reciting that under and by virtue of the laws in force every admission of any person to be a member of either of the said Inns of Court in England is chargeable with a stamp duty of 2*s.*, and that it is expedient to exempt persons who may be admitted in more than one of the said Inns of Court from the stamp duty payable on the latter of such admissions;—

It is Enacted,

that from and after the passing of this Act, where any person who is or shall be admitted a member of any one of the said Inns of Court shall afterwards be admitted a member of any other of the said Inns of Court, the latter admission shall be exempt from stamp duty, provided he shall have paid the proper stamp duty on his former admission, according to the laws then in force.

And after reciting that by 4 & 5 Will. 4. c. 54, persons who had compounded for certain of the duties of assessed taxes under the said Act were authorized to continue their former compositions for a further term, and persons who had not compounded were authorized to compound for the same duties for the term and in the manner and on the conditions in the said Act mentioned or referred to, provided that such persons respectively should give notice of their intention so to continue their compositions or to compound on or before the 5th of April 1835 in England, and on or before the term of Whitsunday the same year in Scotland, in the manner in the said Act prescribed; and that it is expedient to enlarge the periods for giving such notice;—

It is Enacted,

that the several periods limited by the said last-recited Act for giving any such notice as aforesaid in England and Scotland respectively shall be and the same are hereby extended until the 1st of October 1835 inclusive; and the respective persons to whom such notices have been or shall be delivered within the period limited by this Act shall diligently inquire into the contents of such notices, and certify their assent or objection thereto at any time within one calendar month next after the expiration of the said period respectively, or at the furthest within one calendar month next after the said 1st of October; and the said Commissioners acting in the execution of the said Acts are hereby authorized and required to enter into compositions with such persons respectively who have given or shall within the period limited by this Act give such notices as aforesaid, in conformity with the rules, regulations, and according to the provisions of the said recited Act, in like manner as if such notices had been delivered within the time limited by the said recited Act, provided the contracts of such compositions respectively executed by the said Commissioners and the party compounding on or before the 1st of December 1835; and which compositions, when executed by the said Commissioners, or any two or more of them, and by the party aforesaid, in conformity with the said recited Act directed, shall be of the like force and effect, and subject to the like powers and conditions as if the said compositions had been entered into under the directions of the said recited Act: and that upon every contract or composition executed as aforesaid after the 1st of October 1835 there shall be paid a moiety of the amount payable under the same within ten days next after the date of such contract.

And after observing that doubts have arisen whether persons are entitled to compound under the said last-recited Act for the carriage of four wheels, and drawn by one horse only: for removing such doubts,—

It is Enacted, that from and after the passing of this Act, no person keeping any carriage of the description aforesaid to compound for the duties on such carriages under the said last-recited Act; and that all contracts of composition which have been made or

entered into, or which within the time limited by this Act may be made or entered into under and in conformity with the provisions of the said recited Act and of this Act for or in respect of the duties on any carriages of the description aforesaid, shall be and the same are hereby declared to be good, valid, and effectual to all intents and purposes whatsoever; and all persons who have compounded or shall compound for the duty on any such carriage shall be at liberty also to keep, and use a carriage with four wheels drawn by two or more horses, on payment of the difference of duty, or percentage thereon, in like manner, and under and subject to the same conditions, rules, and regulations, as persons who have compounded for a two-wheel carriage are by the laws in force entitled to set up, keep, and use a carriage with four wheels.

And after reciting that the revenues arising from the duties of stamps and the land and assessed taxes in Great Britain now under the care and management of one consolidated board of Commissioners of Stamps and Taxes, that and it would be expedient to provide for the collection of the land and assessed taxes in Scotland, and tend to reduce the expense of receiving and remitting the same for the public revenue, if the several distributors and sub-distributors of stamps or other persons employed in the receipt and collection of the stamp duties in Scotland were also appointed collectors of the land and assessed taxes:—

It is Enacted,

x. That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury three or more of them, to appoint such and so many of the distributors and sub-distributors of stamps in Scotland, or such persons as the said Commissioners may think fit, to be collectors or other officers for collecting and receiving the land and assessed taxes in Scotland, and for such parts of Scotland and with such salaries and allowances as the said Commissioners of His Majesty's Treasury shall think fit, and such persons shall hold their respective offices during the will and pleasure of the said Commissioners of His Majesty's Treasury or of the Commissioners of Stamps and Taxes, in such manner as the said Commissioners of His Majesty's Treasury shall direct; and such persons shall in all matters and things relating to the execution of their duties be subject to the authority, directions, and controul of the Commissioners of His Majesty's Treasury or of the Commissioners of Stamps and Taxes, and shall obey such orders and instructions as shall from time to time be issued by the said Commissioners respectively: Provided always, that the Land Tax Commissioners and Commissioners for the execution of the Assessed Tax Acts in Scotland shall have no power or authority whatever to appoint persons to execute the said land tax and assessed taxes, or to remove, or call to account or examine, or enforce payment of balances due by the persons appointed by virtue of this Act, anything in any Act or Acts contained to the contrary notwithstanding: Provided also, that if any persons other than the distributors and sub-distributors of stamps in Scotland shall be appointed as aforesaid to be collectors or other officers as aforesaid, then the names of such persons, with their respective salaries and allowances, shall be laid by the said Commissioners of His Majesty's Treasury before Parliament within twenty-one days after the commencement of the session of Parliament which shall next follow every such appointment.

xi. That the collectors and other officers to be appointed as aforesaid shall, before they shall act in the execution of their respective offices, give security by bond to His Majesty, his heirs and successors, to such an amount and in such terms as the said Commissioners of Stamps and Taxes shall think fit, and with sufficient sureties to the satisfaction of the said Commissioners.

xii. That all bonds, bills, and securities whatsoever to be entered into with or given by the collectors to be appointed under the provisions of this Act, or their respective sureties, with relation to the said duties of land and assessed taxes respectively, shall be free from all stamp duty whatever; and no collector appointed under this Act as aforesaid shall in any case be liable or charged with any stamp duty, fee, or gratuity on his commission, warrant, or other instrument to be obtained or held by him on his first appointment or any renewed or succeeding appointment to be such collector as aforesaid under this Act, nor shall he be liable for any matter or thing incident to the execution of his office, or for auditing or passing his accounts, or for any other office of His Majesty's Treasury or the office for taxes, or any other office.

And after reciting that by 43 Geo. 3. c. 150, it is enacted; that the land tax in Scotland shall be assessed, raised, and paid under the regulations of the last-recited Act; and that it is expedient to alter the said enactment;—

It is Enacted,

xiii. That the land tax in Scotland shall be recovered, levied, collected, and paid under the same rules, regulations, and penalties as the assessed taxes in Scotland now are or may hereafter be recovered, levied, collected, and paid under in the said last-recited Act or any other Act or Acts contained to the contrary thereof in anywise notwithstanding.

And after noticing that by 44 Geo. 3. c. 98, a duty of 2l. 2s. over and above all other duties, was granted and is now payable in Great Britain for every horse, mare, or gelding entered to start or run for any plate, prize, sum of money, or other thing whatsoever: And that certain duties of assessed taxes, amounting to the sum of 1l. 8s. 9d., have also been granted and are payable in Great Britain under Schedule (E.), Number Three, of two several Acts, 48 & 52 Geo. 3, for every horse, gelding kept for the purpose of racing or running for any plate, prize, or sum of money, or other thing, or kept in training for any of the said purposes: And that the said several duties 2l. 2s. and 1l. 8s. 9d. are respectively levied and collected by different officers and under different rules and regulations, and it would give relief to the persons chargeable therewith, to facilitate the collection thereof, if the same were reduced in amount, and assessed and levied in one sum, in the manner hereinafter mentioned;—

It is Enacted,

xiv. That from and after the passing of this Act the said several duties of 2l. 2s. and 1l. 8s. 9d. granted and now payable as aforesaid under and by virtue of the said several Acts hereinbefore recited or referred to shall be and the same are hereby severally repealed, save and except as to any arrears of the said respective duties, and any penalties incurred in relation to the same, all which said arrears and penalties may be sued for, recovered, levied, and applied in the same manner as if this Act had been passed.

And that for and in lieu of the said several duties by this Act repealed as last aforesaid there shall be granted and payable upon all assessments made or to be made for any year commencing from or at any time after the 5th of April 1839,

gelding kept or used for the purpose of racing or running for any plate, prize, or sum of money, or other thing, is training for any of the said purposes, whether in the stables of the proprietor or proprietors or of any other person or the annual sum of 3*l*. 10*s*, which shall be charged on the person or persons having the custody, care, or management of such horse, mare, or gelding, and shall be assessed, collected, levied, and applied in like manner, and under the same rules, and regulations, as the duties granted and now payable under Schedule (E.) of the said Acts, 48 & 59 are now assessed, collected, levied, and applied.

after reciting that by an Act, 4 & 5 Will. 4. c. 73, intituled, 'An Act to grant Relief from the Duties of Assessed in certain Cases,' exemption from duty for one horse, mare, gelding, or mule kept and used for the purpose of riding or any carriage not chargeable with duty was granted to every person occupying a farm or estate of less annual rent or value in the said Act is specified, under and subject to the provisos and conditions therein mentioned: And that doubts as to the persons entitled to the relief intended to be granted under the said exemption; for the removal thereof—

It is Enacted,

That so far as relates to any assessment of the duties of assessed taxes made or to be made for any year commencing at any time after the 5th of April 1835 the said exemption shall be deemed and construed to extend only to such occupiers of farms or estates under the rent or value in the said Act specified as obtain their livelihood principally by husbandry on farms or estates in their respective occupation, under and subject, nevertheless, to the several provisos and conditions in the said Act contained.

after reciting that by 52 Geo. 3. c. 93, exemption from the duties payable for male servants retained or employed in the capacities mentioned in Schedule (C.), Numbers One and Two, to the said Act annexed, is granted to the several persons hereinafter described, every such officer retaining or employing as a servant one male person only; (that is to say,) to every officer serving in any regiment of horse or dragoons under the rank or not receiving the pay of a field officer, for one being actually a soldier in the regiment, troop, or squadron to which such officer shall belong; and to every officer in any regiment of artillery, infantry, royal marines, royal garrison battalions, or corps of engineers, for one servant, actually a soldier in the regiment or company to which such officer shall belong: And that it is expedient to extend the exemption in the manner hereinafter mentioned;—

It is Enacted,

That upon all assessments made or to be made for any year commencing from or at any time after the 5th of April 1835 the said exemption shall be and the same is hereby extended and granted to all officers serving in any regiment of horse or dragoons, or in any regiment of artillery, infantry, royal marines, royal garrison battalions, or corps of engineers, for so many male servants, being such soldiers as aforesaid, as may be allowed to them respectively by the regulations of the public service in whatever capacity any such soldier may be employed, and without regard to any other male servants retained or kept by such officer, and for which he may be liable to be assessed: Provided always, that all such servants shall be duly registered to the assessor and the exemption claimed in manner aforesaid.

CAP. LXV.

AN ACT for preventing the Publication of Lectures without Consent.

(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

of lectures, or their assigns, to have the sole right of publishing them.—Penalty on other persons publishing, &c. lectures without leave.
By the printers or publishers of newspapers publishing lectures without leave.
Persons having leave to attend lectures not on that account licensed to publish them.
Not to prohibit the publishing of lectures after expiration of the copyright.
Not to extend to lectures delivered in unlicensed places, &c.

By this Act,

reciting that printers, publishers, and other persons have frequently taken the liberty of printing and publishing lectures delivered upon divers subjects, without the consent of the authors of such lectures, or the persons delivering the same, to the great detriment of such authors and lecturers:—

It is Enacted,

That from and after the 1st of September 1835, the author of any lecture or lectures, or the person to whom he hath sold or conveyed the copy thereof, in order to deliver the same in any school, seminary, institution, or other place, or for any purpose, shall have the sole right and liberty of printing and publishing such lecture or lectures; and that if any

person shall, by taking down the same in a horthand or otherwise in writing, or in any other way, obtain or make such lecture or lectures; and shall print or lithograph or otherwise copy and publish the same, or cause the same to be lithographed, or otherwise copied and published, without leave of the author thereof, or of the person to whom it shall have been sold or otherwise conveyed the same, and every person who, knowing the same to have been printed and published without such consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, such lecture or lectures, shall forfeit such printed or otherwise copied lecture or lectures, or parts thereof, together with every sheet thereof which shall be found in his custody, either printed, lithographed, or copied, or printing, lithographing, copying, published or exposed to sale, contrary to the true intent and meaning of this Act, the one moiety thereof to the author, his heirs or successors, and the other moiety thereof to any person who shall sue for the same, to be recovered in His Majesty's courts of record in Westminster, by action of debt, bill, plaint or information, in which no wager of law, privilege or protection, or more than one imparlance, shall be allowed.

II. That any printer or publisher of any newspaper who shall, without such leave as aforesaid, print and publish in any newspaper any lecture or lectures, shall be deemed and taken to be a person printing and publishing without leave as aforesaid, and liable to the aforesaid forfeitures and penalties in respect of such printing and publishing.

III. That no person allowed for certain fee and reward, or otherwise, to attend and be present at any lecture delivered in public, shall be deemed and taken to be licensed or to have leave to print, copy, and publish such lectures only because he is allowed to attend such lecture or lectures.

IV. Provided, That nothing in this Act shall extend to prohibit any person from printing, copying, and publishing any lecture or lectures which have or shall have been printed and published with leave of the authors thereof or their assigns, whereof the time hath or shall have expired within which the sole right to print and publish the same is given by the Statute in that behalf made, bearing date the 8th Anne, c. 19, intituled, 'An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the times therein mentioned,' and by another Act, 54 Geo. 3. c. 156, intituled, 'An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns,' or to any lectures which have been printed or published before the passing of this Act.

V. Provided, That nothing in this Act shall extend to any lecture or lectures, or the printing, copying, or publishing of any lecture or lectures, or parts thereof, of the delivering of which notice in writing shall not have been given to two Justices of the Peace within five miles from the place where such lecture or lectures shall be delivered two days at the least before the delivery thereof, or to any lecture or lectures delivered in any University or public school or college, or on any public foundation, or to any individual in virtue of or according to any gift, endowment, or foundation; and that the law relating thereto shall remain the same as if this Act had not been passed.

CAP. LXVI.

AN ACT to amend the Law relating to the Customs.*

(9th September 1802.)

ABSTRACT OF THE ENACTMENTS.

1. *Regulating the duty on coffee and the other articles herein mentioned.*
2. *Regulating the entry of coffee the produce of British Possessions in the East Indies.*
3. *Duties to be collected as duties imposed by former Act.*
4. *Proviso in 3 & 4 Will. 4. c. 56, as to damage done to goods warehoused, not to extend to damage by fire.*

By this Act, After reciting an Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs;' and that it is expedient to alter and amend the same in manner hereinafter provided:—
It is Enacted,

1. That from and after the passing of this Act, instead of the duties now payable under the said Act upon coffee the produce of the British Possessions within the limits of the East India Company's charter, and imported from such possessions upon coffee the produce of Sierra Leone, and imported from thence, there shall be paid for every pound of such coffee the duty of 6s.; and instead of the duty now payable under the said Act upon rough rice or paddy, the produce of the West Indies, imported from a British possession on that coast, there shall be paid for every bushel of such rice a duty of 1s. that for every hundred weight of pearl or pot ashes of foreign production imported from a British possession in Europe shall be paid a duty of 6s.; anything in the said Act permitting such ashes to be so imported duty-free to the contrary notwithstanding.

II. That no coffee shall be entered as being the produce of any British possession within the limits of the East India Company's charter, unless the master of the ship importing the same shall have delivered to the collector or controller of customs under the hand and seal of the proper officer at the place where such coffee was taken on board, testifying that the

in some instances signed before him (the contents of which he had examined and believed to be true), by the above-mentioned coffee; that the same was really and bona fide the produce of some such British possession, nor unless such person had taken and subscribe a declaration before the collector or controller that such certificate was received by him; and that when such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein.

And that the duties imposed by this Act shall be raised, levied, collected and paid unto His Majesty in like manner as if such duties had been imposed by the said former Act, and had been set forth in the table of duties thereunto annexed.

And after reciting that by another Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for the warehousing of Goods,' it is provided that damage occasioned by embezzlement, waste, spoil, or destruction of any goods or merchandize warehoused in warehouses under the authority of the said Act, by or through any wilful misconduct of any officer or officers of Customs or Excise, shall be repaid and made good to the importer, consignee, or proprietor, by the Commissioners of Customs or Excise, under such orders, regulations, and directions as shall be for that purpose made and given by the Commissioners of His Majesty's Treasury, or any three of them; and that it is expedient to amend the said Act in this respect;—

It is Enacted,

That nothing in the said Act contained shall extend or be deemed or taken to extend to any damage or loss occasioned by fire.

CAP. LXVII.—IRELAND.

AN ACT for the Improvement of the Navigation of the River *Shannon*.

(9th September 1835.)

The following are the provisions of this Act:—

- I. Lords of the Treasury may appoint Commissioners for carrying this Act into execution.
- II. Commissioners so appointed shall swear duly to execute the trusts committed to them.
- III. Commissioners may meet from time to time, and employ the necessary officers.
- IV. Commissioners to arrange the mode of improving the Shannon, and prepare plans, &c. to be laid before the Treasury.
- V. Commissioners may enter lands, &c. for the purposes of this Act.
- VI. Commissioners to prepare a Schedule of lands, &c. to be taken for the purposes of this Act, which shall be left open for inspection at certain places, and notice given thereof.
- VII. Commissioners to adjudicate upon claims for damages, &c. arising under the execution of this Act.
- VIII. Commissioners shall adjudicate upon the proportions of expense to be borne by the counties, &c. benefited under this Act.
- IX. Commissioners authorized to take examinations on oath.
- X. Commissioners may compel the attendance and examination of witnesses.
- XI. Penalties for swearing falsely before Commissioners, &c.
- XII. Commissioners shall transmit all documents connected with the execution of this Act to Lords of Treasury, who shall see the same to be laid before Parliament.

CAP. LXVIII.

AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-six.

(9th September 1835.)

The provisions of this Act, with the exception of section 33, 1 Law J. (N.S.) Abridgment of Statutes, 1835, p. 201.—that section. After reciting that the drum majors and drummers, and a proportion of the serjeants on the disembodied staff of the Militia of the United Kingdom, are to be reduced in pursuance of an Act passed in the present session of Parliament;—

It is Enacted, That it shall be lawful for the Commissioners of Chelsea Hospital to place on the out-pension list any serjeants, drum majors, or drummers discharged in consequence of such reduction who shall have served twenty years consecutively in the Militia, and on the disembodied staff, and to assign to them, although not disabled, the rates of pension to which they would be entitled if disabled; provided that no service in the rank of drummer previous to the age of sixteen, or in any other rank previous to the age of eighteen, shall be included in the said twenty years: Provided also, that in cases of long and

...upon His Majesty's pleasure being signified to them through the Secretary at War, to grant to each reduced soldier, or drummer such rate of pension as His Majesty shall be pleased to direct, not exceeding the rate of £100 per annum for disability: Provided always, that no pension granted on the reduction hereinbefore mentioned shall be payable during which the serjeant, drum major, or drummer shall be receiving pay in the militia.

CAP. LXIX.

**AN ACT to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incor-
porations or Unions of Parishes in England and Wales.**

(9th September

ABSTRACT OF THE ENACTMENTS.

1. Powers for corporations and persons under disability to convey lands, &c. for the purposes of this Act.
2. Investment of purchase money to the same uses as the estates sold were subject to.—Parties in possession to be deemed Court of Exchequer may order payment of expenses.
3. Power to overseers and guardians of the poor to sell, purchase, and dispose of workhouses, &c.
4. Power to overseers to take waste or forest lands, extended to guardians, &c.
5. Powers given to Justices to deliver possession of parish houses, &c. to churchwardens and overseers, extended to parishes, unions, &c.
6. Mode of conveyance.—Approval of the Poor Law Commissioners.
7. Guardians incorporated.
8. Previous sales made with the consent of the Commissioners to be valid.
9. Interpretation clause.

By this Act,

After reciting that there are certain legal difficulties attending the title, purchase, sale, and disposal of property, with respect to workhouses and other property belonging to parishes, incorporations, or unions, it is expedient to remove is also expedient to simplify the assurances for the conveyance, exchange, or transfer of such property:—

It is Enacted,

1. That it shall be lawful for the Commissioners of the King's Majesty's Woods, Forests, and Land Revenue, by the consent in writing of the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any three of them, and for His Majesty, by any grant signed by the Chancellor of the Duchy of Lancaster, and for the Duke of Cornwall, by any grant signed by the Chancellor of that duchy, to grant, and for the guardians and overseers of the poor of a parish or union of parishes, under the direction and with the approbation of the Poor Law Commissioners for England and Wales, to be testified by order under their hands and seal, and for any lay or ecclesiastical corporation, aggregate or sole, and for any feoffees or trustees to charitable or other uses, and for any person beneficially seised or entitled in possession as tenant in fee simple, or in fee tail, general or special, or for his own life, or for years determinable on his own life, (such estate not being subject to any rent) or for any term of years in gross whereof not less than four hundred shall be years, and subject to no equity of redemption or rent, except a nominal rent, and for any married woman entitled or entitled in fee simple to her separate use, and for the guardian, trustee, husband or committee of any person so seised or entitled to be an infant, married woman (not separately entitled), idiot, lunatic, or under any other disability, to dispose of, by absolute sale, or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of being used as or converted into a workhouse, or of being used as the site of a workhouse, or of being occupied as a workhouse, or for any other purpose relating to the relief of the poor which the said Poor Law Commissioners may approve, with the rights and appurtenances, and to convey the same and the fee simple and inheritance thereof unto the guardians or overseers of any union or parish or their successors, or in such other manner as the said Poor Law Commissioners may think fit, and to accept from and give to such guardians or overseers any monies by way of equality of exchange.

And with regard to the application of money paid for the purchase or on the exchange of hereditaments of persons under disability:—

It is Enacted,

11. That all sums of money which shall be agreed to be paid to any corporation, or to any trustee, guardian, or committee, or on behalf of any infant, ward, lunatic, idiot, married woman, or other person under disability, or to any person who shall be limited in settlement, for the purchase or exchange of hereditaments as aforesaid, shall, in case the said sum shall exceed the sum of 500*l.*, and there shall be no person capable of giving a sufficient discharge for the same, be paid by the said guardians and overseers into the Bank of England in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed in his account to the credit of the party who shall be so interested in the said hereditaments, and shall be subject to the order of the said Court of Exchequer; which said Court, on the petition of or motion on behalf of any person making claim to any such money, is hereby empowered to order summarily the investment of such money

...of real estates, to be settled to the same uses and upon the same trusts as the lands so sold were previously subject to, in the said fund, and the distribution of the rents and dividends thereof respectively, according to the respective shares of the claimants thereof, and to make such other order in the premises as to the Court shall seem reasonable; and the Bank of England who shall receive such money shall give a receipt to the party paying the same, specifying for what purposes received, which receipt shall be to all intents and purposes a sufficient discharge; and upon such receipt being given, it shall be lawful for the said Poor Law Commissioners, by order under their hands and seals, to direct that the said hereditaments so purchased by such guardians or overseers shall be appropriated for the purposes of this Act; and in case of doubts or questions of title to any money paid into the Bank of England by virtue of this Act, or the securities on which the same may be invested, or the dividends or interest thereof, the corporation or person who shall have been in the possession of such hereditaments, interests, or incumbrances at the time of such purchase, and persons claiming under them, shall be deemed and taken to be lawfully entitled to such hereditaments, interests, or incumbrances, until the contrary shall be shewn to the satisfaction of the said Court of Exchequer; and the securities and principal and interest monies shall be applied and disposed of accordingly; and in case of such purchase, payment into the Bank of England, and application to the Court of Exchequer as aforesaid, it shall be lawful for the said Court to order the expenses attending such purchase, payment, or application, or any part thereof, to be paid by such guardians or overseers, who shall accordingly pay the same as and when the said Court shall direct, and the money so paid shall be a charge on the poor rates of such parish or such union, as the case may be.

And in order to insure the due application of the property of parishes and unions,—

It is Enacted,

III. That it shall be lawful for the guardians of any parish or union, and for the overseers of any parish not under the management of a board of guardians, and for the guardians or trustees, guardian or trustee of any dissolved union, or the person or persons who were the guardians or trustees, guardian or trustee of any dissolved union at the time of its dissolution, or a majority of such guardians, trustees, or overseers, if more than one, with the approbation, and subject to the rules, orders, and regulations of the Poor Law Commissioners, to sell, exchange, let, or otherwise to dispose of any workhouses, tenements, buildings, land, effects, or other property belonging to any such parish or union, or vested in trustees or overseers in trust for such parish or union, or for the parishioners, rate-payers, or inhabitants thereof, or which belong or did belong to any dissolved union, and every and any part of such property, and to convey, assign, or transfer the same accordingly to the purchaser or purchasers exchanging, as they shall direct; and, in case of a sale, to apply the produce arising therefrom (after deducting the reasonable expenses thereof) towards the purchase or building of any workhouse, or as or in part of the purchase of such parish or union towards the expense of any workhouse erected, purchased, or provided on behalf of such parish or union, or as a loan to the board of guardians of such union, upon the security of the rates, for the purpose of erecting a workhouse, or in liquidation of any debt contracted by such parish or union or dissolved union, or in such other manner for the permanent advantage of such parish or union or dissolved union, as the said Poor Law Commissioners may approve; and in case of an exchange, the hereditaments to be taken in exchange shall be conveyed to the guardians of such parish or union, or the overseers of such parish, upon the same trusts, and the rents and profits thereof shall be applied to the same purposes, as the hereditaments given in exchange were held, and the rents and profits thereof would have been applicable under the provisions of the law or of this Act if the same hereditaments had not been exchanged; and it shall be lawful for the said Poor Law Commissioners to direct the mode and manner in which any money required for the purchase of any such property shall be raised, paid, and secured, and to direct the mode in which the persons by whom, and the objects relating to the management of the poor to which the same shall be applied, beneficial occupation, or income of such property shall be applied, assigned, or distributed; and whosoever the guardian or workhouses of any parish in any union may have become or shall hereafter become convertible to the common use of such union, it shall be lawful for the said Poor Law Commissioners to direct such an annual sum, in the nature of rent or compensation, to be paid to such parish out of the common fund of the union, and to vary the amount of such annual compensation from time to time as they the said Poor Law Commissioners shall see fit: Provided always, that no such exchange or letting of any workhouses, tenements, buildings, or land of any parish shall take place except with the consent of a majority of the rate-payers of such parish, and of the owners of property therein, entitled to vote under and by virtue of the Act, 4 & 5 Will. 4. c. 76, intituled, 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,' assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meeting shall have been given in like manner as notices of vestry meetings are now given, such majority to be ascertained in manner provided by the said Act: Provided also, that every sale or lease of any such workhouse, tenements, buildings, land, or other property, which may have been made before the passing of this Act with the consent or approbation in writing of the said Poor Law Commissioners, shall be as valid and effectual as if the same had been directed by their order under the authority of this Act; and that any monies or rents which shall or shall become payable in respect of any such sale, exchange, or lease, and have not been applied, shall be applied in the same manner as such monies or rents would have been applicable if such sale or exchange or lease had been made under this Act.

IV. That the powers and authorities in and by an Act, 22 Geo. 3. c. 83, intituled, 'An Act for the better Relief and Employment of the Poor,' given to guardians of the poor for or relating to the inclosing of any part or portion of waste or common land as therein mentioned; and all powers and authorities in and by an Act, 59 Geo. 3. c. 12, intituled, 'An Act to amend the Laws relating to the Relief of the Poor,' given to churchwardens and overseers of the poor for taking land or ground into their hands, and for leasing, letting, and taking on lease any land; and all the powers and authorities contained in an Act, 1 & 2 Geo. 4. c. 26, intituled, 'An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third, for the better Employment of the Poor'; and in a certain other Act, 1 & 2 Will. 4. c. 59, intituled, 'An Act to enable Churchwardens and Overseers of the Poor to inclose Land belonging to the Crown for the Benefit of poor Persons residing in the Parish in which such Land shall be situate'; and in a certain other Act, 2 & 3 Will. 4. c. 42, intituled, 'An Act to authorize (in Parishes in which the Poor Law Commissioners have been appointed by Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers'; shall in and by this Act be continued.

future be exercised (under the controul, and subject to the rules, orders, and regulations of the Poor Law Commissioners) the overseers of the poor in any parish not under the management of a board of guardians, and by the guardians of the poor in any union or parish formed or established by virtue of any statute or local Act; and all the aforesaid powers and authorities relating to the inclosing, purchasing, hiring, or taking any waste, common, or other land, for the purpose or purposes of the said Acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said overseers and guardians of the poor, and shall be exercised as the site of a workhouse, or of being occupied with a workhouse, or for any other of the purposes of the said recited Act, 4 & 5 Will. 4.

v. That the powers and authorities given by the said Act, 59 Geo. 3, and by the said Act, 2 Will. 4, to Justices of the Peace, to cause possession of parish houses and lands and portions of land to be delivered to the churchwardens and overseers of the poor, and any other auxiliary powers or provisions in the said Acts or other Acts contained in relation thereto, shall extend and shall be exercised by such Justices in respect of any houses and lands and portions of land which are or may be vested in or under the management or controul of the guardians of the poor of any union or parish, in the same manner as if the names of those officers had been inserted in the said Acts instead of the names of the churchwardens and overseers of the poor.

And, for simplifying the instruments of assurance of property under this Act,—

It is Enacted,

vi. That every conveyance, exchange, security, or assignment of security, under the authority of this Act may be made according to the forms set forth in the Schedule annexed, or in such other forms as the said Poor Law Commissioners may direct, or as near thereto as the number of parties, the nature of the interests, and the circumstances of the case will admit; and shall, when executed by the conveying parties, be valid and effectual in the law, without livery of seisin being made, without bargain and sale to vest possession being executed; and that every conveyance, exchange, security, transfer of security, or assignment of security, made under the authority of this Act, shall, when signed by the conveying parties thereto, be transmitted to the said Poor Law Commissioners, who shall, if they shall approve thereof, signify such approval by sealing or stamping the instrument with their seal; and for preserving evidence of such instruments the said Commissioners shall keep a register, properly indexed, in which they shall insert copies or memorials of such deeds or instruments of which they shall so approve, and of such copies or memorials of appropriation of property as are hereinbefore mentioned; and all such copies or memorials, or copies thereof, purporting to be sealed or stamped with the seal of the said Commissioners, shall be received as evidence of the instruments respectively which they purport to be copies or memorials.

And, for the more easy execution of the purposes of this Act, and of the laws relating to the poor,—

It is Enacted,

vii. That the guardians of the poor of every union already formed or which hereafter shall be formed by virtue of the said Act, 4 & 5 Will. 4, and of every parish placed under the controul of a board of guardians by virtue of the said Act, 4 & 5 Will. 4, respectively from the day of their first meeting as a board become or be deemed to have become, and they and their successors in office shall for ever continue to be, for all the purposes of this Act, a corporation, by the name of the guardians of the poor of the said union (or of the parish of the said union) in the county of the said union, and a corporation the said guardians are hereby empowered to accept, take, and hold, for the benefit of such union or parish, buildings, lands, or hereditaments, goods, effects, or other property, and may use a common seal; and they are further empowered by that name to bring actions, to prefer indictments, and to sue and be sued, and to take or resist all other proceedings for or in relation to any such property, or any bonds, contracts, securities, or instruments given or to be given to them in or by their office; and in every such action and indictment relating to any such property it shall be sufficient to lay or state that the property to be that of the guardians of the said union, or of the parish of the said union, and in every such case of any addition to or separation of any parishes from any such union, under the authority of the said Act, 4 & 5 Will. 4, the board of guardians for the time being shall (notwithstanding such alteration) have and enjoy the same corporate existence, property, and privileges as the board of guardians of the original union would have had and enjoyed had it remained unaltered.

viii. That all buildings, lands, or hereditaments, goods, effects, or other property, which, before the passing of this Act, have been conveyed, with the consent or under the directions of the said Poor Law Commissioners, to any persons, in or for the use of any union or parishes, shall, without any other act, vest in the guardians thereof as such corporations in the same manner as if the same respectively had been conveyed to or vested in them under the provisions of this Act.

And in the interpretation of this Act,

It is Enacted,

ix. That wherever in this Act, in describing any person or party, matter or thing, the word importing the singular or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or things as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing; and unless there be something in the subject or context repugnant to such construction; and the words and expressions "General Rule," "Guardian," "Justice or Justices of the Peace," "Orders and Regulations," "Overseers," "Own Property," "Parish," "Person," "Poor," "Poor Rate," "Union," "Vestry," and "Workhouse," shall bear and be construed to have the same signification as the same words and expressions are declared to have in the said Act, 4 & 5 Will. 4, for the better administration of the laws relating to the poor in England and Wales.

SCHEDULE to which this Act refers.

Form of Conveyance.

This Deed, made the _____ Day of _____ in the year _____ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [the Title of this Act], and under the Direction [or with the Approbation] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That A. B. of _____ in consideration of the Sum of _____ doth grant and convey [or demise or assign, *per Verbs of Conveyance to be used,*] all, &c. [the Property to be aptly described], and all the Right, Title, and Interest of the said A. B. in and to the same and every Part thereof, unto and to be holden by the said C. D., his Heirs and Assigns. In witness whereof the said A. B. and C. D. have hereunto set their Hands and Seals.

Witness E. F.

A. B. (L.S.)
C. D. (L.S.)(The Seal of the Poor Law
Commissioners.)

Approved and registered the

Day of

Form of Exchange.

This Deed, made the _____ Day of _____ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [the Title of this Act], and under the Direction [or with the Approbation] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That A. B. of _____ doth grant and convey unto C. D. of _____ all [the Property to be aptly described], in exchange for the Hereditaments hereinafter conveyed, to the Intent that the said Hereditaments above conveyed may be held and enjoyed by the said C. D., and the Person or Persons who for the Time being would have been entitled to the Hereditaments hereinafter conveyed, if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments hereinafter conveyed now are or may or but for this present Exchange would have been subject or liable to: And this Deed further witnesseth, That in pursuance of the said Act, and under the said Direction [or Approbation], the said C. D. doth grant and convey unto the said A. B. all [the Property to be aptly described], in lieu of and in exchange for the Hereditaments firstly hereinbefore conveyed, to the Intent that the Hereditaments lastly hereinbefore conveyed may be held and enjoyed by the said A. B., and the Person or Persons who for the Time being would have been entitled to the Hereditaments firstly hereinbefore conveyed, if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments now are or may be or but for this present Exchange would have been subject or liable to. In witness whereof the said A. B. and C. D. have hereunto set their Hands and Seals.

Witness E. F.

A. B. (L.S.)
C. D. (L.S.)(The Seal of the Poor Law
Commissioners.)

Approved and registered the

Day of

Form of Security.

This Deed, made the _____ Day of _____ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [the Title of this Act], and under the Direction [or with the Approbation] of the Poor Law Commissioners for England and Wales, (testified by their Seal being hereunto affixed,) witnesseth, That A. B., C. D., E. F., and G. H., being the Majority of the Guardians of the Poor for the _____ Union, [or the Parish of _____], in consideration of the Sum of _____ to them in hand paid by H. Z. of _____ for the Purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a Workhouse for the Union [or Parish], and for providing suitable Stock and Utensils for that Purpose, [or in consideration of the Conveyance or Assurance of, &c., as the Case may be,] do hereby charge the Poor Rates of the said Union [or Parish], with the Payment of the Principal Sum of _____ Pounds, by the Instalments following [naming them], together with Interest on the Principal which shall from Time to Time remain due, after the Rate of _____ per Centum, to be payable half-yearly to the said Y. Z., his Executors, Administrators, and Assigns.

Witness I. M.

A. B.
G. H.
E. F.
G. H.(The Seal of the Poor Law
Commissioners.)

Approved and registered the

Day of

Form of Transfer of Security.

THIS Deed, made the _____ Day of _____ by virtue of the Act passed in the Fifth Sixth Years of the Reign of King William the Fourth, intituled [the Title of this Act], and [if the Guardians or Overseers of the Poor Law Commissioners for England and Wales (testified by their Seal being hereunto affixed), witnesseth, That of _____ doth transfer the Security, [describing it] with all Right and Title to the Principal Money then secured, and to all the Interest now due or hereafter to be due thereon, unto V. W. of _____ his Executors, Administrators, and Assigns.

Witness E. F.

(The Seal of the Poor Law Commissioners.)

Approved and registered the _____

Day of _____

CAP. LXX.

AN ACT for abolishing, in Scotland, Imprisonment for Civil Debts of small Amount.

(9th September 1836.)

ABSTRACT OF THE ENACTMENTS.

1. No person to be imprisoned for a debt not exceeding 8*l.* 6*s.* 8*d.*
2. After 1st Jan. 1836 gaolers not to receive into their custody any person for a debt not above 8*l.* 6*s.* 8*d.*
3. Sheriff or Magistrates may direct the discharge of any person imprisoned for a less amount.
4. Persons not to acquire debts under sum before specified, except by marriage or inheritance.
5. Not to affect recovery of fines or forfeitures.
6. Act may be altered this session.

By this Act,

After reciting that His Majesty was pleased, by letters patent bearing date the 6th of June 1833, under the Great Seal of Great Britain, to appoint certain Commissioners with instructions to inquire, *inter alia*, "as to the present form of enforcing judicial decrees by the diligence of arrest and caption and imprisonment, and the expediency of any alteration in the law or forms touching such proceedings;" and that the said Commissioners have made a report, from which it appears that great hardship is frequently suffered by poor persons in consequence of imprisonment for civil debts to a small amount, without producing thereby any adequate benefit to their creditors; And that it is expedient that a remedy should be provided:—

It is Enacted,

I. That from and after the 1st of January 1836 it shall not be lawful to imprison any person or persons on account of civil debt which shall not exceed the sum of 8*l.* 6*s.* 8*d.* sterling, exclusive of interest and expenses thereon: Provided that it be lawful to imprison debtors on debts incurred or which may become due under contracts made before the passing of this Act in like manner as if this Act had not been passed; provided always, that imprisonment for such debts shall commence from the 1st of January 1840.

II. That from and after the 1st of January 1836 it shall not be lawful for any Magistrate, or keeper of a prison, or other person having the charge of any prison, in Scotland, to receive into such prison, or for any messenger at arms or other officer lawfully to apprehend or detain in custody the person of any debtor or alleged debtor for a civil debt of an amount not exceeding 8*l.* 6*s.* 8*d.* sterling, exclusive of interest and expenses thereon, in virtue of letters of caption, act of warding, decree of debt court, or other warrant, unless in the case of debts contracted before the passing of this Act as aforesaid.

III. That on application made to the sheriff of the county in which the prison shall be situated, or to the Magistrate having the charge of any prison, by any prisoner incarcerated therein, shewing that he is imprisoned or detained in gaol for a civil debt contrary to the provisions of this Act, such sheriff or Magistrate shall cause intimation to be made to the creditor or creditors, upon intimation of six days after intimation; and on being satisfied that the statement of the prisoner is consistent with truth, such sheriff or Magistrate shall without delay grant warrant for his liberation in so far as respects the debt due to such creditor.

IV. That it shall not be lawful for any person to acquire from third parties, by assignment or otherwise, except by marriage or inheritance, one or more civil debts of or below the amount of 8*l.* 6*s.* 8*d.* sterling, against any one individual, to the effect of accumulating such debts into one decree or warrant or writ, or of adding the same to debts previously due to him of the said amount, for the purpose of defeating this Act, by imprisoning the debtor for such accumulated debts.

V. That nothing in this Act contained shall affect obligations *ad facta prestanda*, or the right of His Majesty or his heirs or the fiscals of courts of law, or others, to imprison as formerly, or on account of taxes or penalties due to the revenue.

account of any fines or forfeitures imposed or hereafter to be imposed by law, or apply to imprisonment for poor rates or local taxation, or to imprisonment for sums deemed for alms.

but this Act may be repealed, altered, or amended during the present session of Parliament.

CAP. LXXXI.

AN ACT for appointing Commissioners to continue the Inquiries concerning Charities in England and Wales until the First Day of March One thousand eight hundred and thirty-seven.

(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Commissioners to be appointed to inquire into the nature and management of charities.—To report half-yearly.
2. Commissioners to report special circumstances, where funds cannot be applied to destined purposes.
3. Salaries to a limited number of Commissioners.
4. Commissioners to take oath before entering upon their duties.
5. Members of Commissioners may be filled up by the Crown.
6. Appointment of secretary, clerks, &c.
7. Commissioners to hold sittings and summon persons and send for papers.—No person obliged to travel more than ten miles.
8. Commissioners empowered to examine upon oath.
9. Examinations and papers to be transmitted to office in Westminster.
10. Penalties of perjury for false swearing.
11. Persons refusing to appear before Commissioners, or to produce deeds, &c. or to answer questions, liable to be fined by the Court of King's Bench or Exchequer.
12. Purchasers without notice not bound to answer interrogatories.
13. Mortgagees, trustees, &c. not compellable to produce deeds without notice to mortgagees, cestui que trusts, &c.—Persons not compellable to criminate themselves.
14. Letters to and from Commissioners to be free of postage if sent conformably hereto.—Penalty and loss of office for sending letters not relating solely to the business of the Act.—In case of letters sent under cover to the Commissioners not relating solely to the business of the Act.
15. Commissioners having custody of records to furnish extracts if required by a Commissioner.—No stamp duty on extracts or copies transmitted by a Commissioner.
16. Act not to extend to universities, public schools, &c.
17. Charities chiefly supported by voluntary contributions; except as to management and application of rents for twenty years.
18. Attorney General's certificate to be evidence of particulars of cases having been duly certified by Commissioners.
19. Chief Commissioner to superintend proceedings instituted by Attorney General.
20. For empowering resident ministers and churchwardens to receive rent-charges belonging to charities, where no existing trustees.
21. Limitation of actions.—General issue.—Treble costs.
22. Previously to presenting reports, Commissioners may direct Attorney General to file informations.
23. Continuance of Act.
24. Act may be amended this session.

By this Act,

After resiting the passing of 58 Geo. 3. c. 91, 59 Geo. 3. c. 81, 5 Geo. 4. c. 58, 10 Geo. 4. c. 57, 1 & 2 Will. 4. c. 34, 1 & 2 Will. 4. c. 57; And that it is expedient that certain of the provisions of the said last-recited Act should be continued in force hereinafter mentioned:—

It is Enacted,

That it shall and may be lawful for His Majesty to issue a commission under the Great Seal to any number of persons, not more than thirty, who shall be constituted Commissioners for the purposes intended by this Act, one of whom shall be and be designated the Chief Commissioner, and shall superintend and direct the mode of proceeding of the other Commissioners acting in the execution of this Act; and that they the said Commissioners shall and they are hereby empowered and required, in manner hereinafter mentioned, to examine into and investigate the amount, nature, and application of all estates and funds of what nature or kind soever, and the produce thereof, destined or intended to be applied to the purposes of educating the poor in England and Wales, or to the support of any charity or charities or charitable donation or donations for the benefit of poor persons in England and Wales, or held under trusts created for any charitable uses or purposes whatever in England or Wales (except as is hereinafter provided and excepted), and to examine into and investigate all breaches of trust, irregularities, frauds, abuses or supposed abuses, or misconduct in relation to and in the management or appropriation of non-appropriation of misappropriation of such estates and funds; and the said Commissioners shall once in each half year during the continuance of the said commission report and certify, in writing under their hands and seals, to the King's most excellent Majesty, their proceedings touching the amount, nature, management, application, and appropriation of each of the aforesaid

estates and funds as they shall have inquired and examined into, and also what is the nature of such estates and funds, and the actual annual produce thereof, and what is the actual annual value thereof, and in whose possession, and of what, any part thereof, consisting of lands, tenements, or hereditaments, shall be, adding at the same time such observations as shall occur to them respecting such mode as they shall deem most effectual for the recovering of such part or parts of estates or funds as shall appear to them to have been applied in breach of the several trusts created in respect of the same, and shall appear to have been omitted to be applied in pursuance of such trusts, and subjoining such suggestions as may seem expedient respecting the most effectual mode of securing such estates and funds and their respective produce against misapplication thereof.

II. That if upon such inquiry as aforesaid it shall appear to the said Commissioners that, from any cause whatsoever, it is impossible to apply the estates or funds aforesaid, or any part thereof, to the purposes to which the same were directed to be applied, the said Commissioners shall report the special circumstances of each case, subject, as to the making such report, to the directions of the Chief Commissioner in that behalf.

III. That no remuneration shall be given for and in respect of the execution of this Act to such of the said Commissioners as shall be members of either House of Parliament, nor to any number exceeding twenty of the Commissioners; but they shall be allowed and paid to every such Commissioner such reasonable sums for and in respect of such travelling expenses as shall be incurred in the execution of this Act as in the judgment of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the time being shall be deemed requisite.

IV. That each of the said Commissioners to be appointed by virtue of this Act shall, previously to his entering into the execution of the same, take an oath before the Chancellor of the Exchequer or the Master of the Rolls for the time being (which oath they are hereby respectively authorized and required to administer), the tenor whereof shall be as follows, to wit:

'I, A. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several Powers and Trusts vested in me by an Act, intituled [here insert the Title of this Act], according to the true Intent and Purport of the said Act.'

V. That in case of a vacancy or vacancies by the death, removal, or resignation of any such Commissioners, it shall be the duty of His Majesty, his heirs and successors, to nominate and appoint such person or persons as he or they may think proper to supply the vacancy or vacancies.

VI. That it shall and may be lawful for the said Commissioners and they are hereby authorized to appoint and employ such clerks, messengers, and officers, not exceeding in the whole one secretary, twenty clerks, one messenger, and other officers, as they shall think meet, and to administer to each of the said secretary, clerks, and officers an oath of fidelity and faithful demeanor in all things relating to the due performance of any trust respecting the execution of this Act by him by the said Commissioners, and in all other things touching the premises; which secretary, clerks, and officers shall be required faithfully to execute and perform the said trust in them severally and respectively reposed, without taking for such their service other than such salary or reward as the said Commissioners shall think fit to direct and appoint in that behalf.

VII. That, for the purpose of prosecuting the inquiries and examinations by this Act directed, the said Commissioners or any one or more of them, shall from time to time hold their or his sittings, with or without adjournment, within the County of Westminster, or in any other city, town, borough, hamlet, village, or place respectively in England or Wales, where and when they shall appear most convenient for executing the purposes of this Act; and the said Commissioners or Commissioner shall be authorized to require, by precepts under their or his hands and seals or hand and seal, from any person acting as a trustee or trustees for any of the said estates or funds, or having any concern in the management or administration of the same, or in the payment or receipt of any of the said funds or estates, or any charge upon any fund or estate, to render to any charitable uses or purposes as aforesaid, to render to the said Commissioners or Commissioner a true account of the same, consisting with their knowledge, of all that relates to such funds or estates as aforesaid under their trust or management, and of which they may have acted in making or receiving payments; and, as often as need shall be, to send the precepts, under their or his hands and seals or hand and seal, for any person or persons whomsoever to attend them, and to require such person or persons to bring with him, her, or them any deed, paper, writing, instrument, or other document in his, her, or their custody and possession, and relating to any such estates or funds, or the produce thereof, or to the application or non-application or misapplication thereof, which shall in the judgment of such Commissioners or Commissioner be conducive and necessary to the due execution of the purposes of this Act; and every person to whom such precept aforesaid have been addressed and delivered is hereby required and directed punctually to attend the said Commissioner or Commissioners at such time and place as shall for that purpose have been appointed; and to every such person or persons shall be paid such sum of money as in the judgment of the said Commissioners or Commissioner shall be just and reasonable. Provided always, that no such person shall be obliged to travel in obedience to such precept more than ten miles from his place of abode.

And for rendering more effectual all such examinations as are intended to be had under this Act:—

It is Enacted,

VIII. That the said Commissioners, or one or more of them, are or is hereby authorized to examine upon oath, or affirmation of persons exempted by law from liability to examination upon oath, (which oath or affirmation the said Commissioners, or one or more of them, are or is hereby respectively authorized to administer,) all persons whom the said Commissioners, or one or more of them, are or is by the provisions of this Act empowered to call before them, or to examine touching all matters and things necessary for the execution of the powers vested in them, or to be exercised by them.

VI. That the said Commissioners respectively shall and they are hereby required to cause the examinations which shall be taken before them respectively, and all papers and documents being parts of such examinations, to be from time to time transmitted to the secretary of the said Commissioners at their office in Westminster aforesaid.

VII. That it be and every person upon examination on oath or upon affirmation, as the case may be, before the said Commissioners or Commissioner, shall wilfully and corruptly give false evidence, every such person an offender, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as under any law now in force may be inflicted on persons convicted of wilful and corrupt perjury.

VIII. That if any person summoned to appear before the said Commissioners, or any one or more of them, shall wilfully omit or refuse to appear before such Commissioners or Commissioner, or to bring or to produce any deed, paper, or writing, instrument or other document, in his or her possession, custody, or power, and which he or she shall be required by the precept of any such Commissioners or Commissioner to produce, relating wholly to the estates or funds which shall be the subject of inquiry before the said Commissioners or Commissioner, or to the receipt or application, or non-application or misapplication thereof, or to the state of the schools or charities which shall be the subject of inquiry before such Commissioners or Commissioner, or the true copy of any part or parts of any deed, paper, writing, or other instrument (and which copy any such Commissioners or Commissioner are or is hereby empowered to require by such precept,) or shall refuse to be sworn, or, being a person exempted by law from liability to examination upon oath, to affirm, or, being sworn or having affirmed, at the case may be, shall refuse to answer to and before the said Commissioners or Commissioner, or to answer fully any lawful question on oath or affirmation respectively touching or concerning any matter or thing relating to such estates or funds as aforesaid, or to the state of such schools or charities as aforesaid (except in cases excepted by this Act), every such person so refusing to comply with any such lawful requisitions or the said Commissioners or Commissioner shall be liable to the payment of such fine to His Majesty as the Court of King's Bench or the Court of Exchequer, on application made by or on behalf of the said Commissioners or Commissioner, or by His Majesty's Attorney General at the time being, shall think fit to set and impose, which fine the said Court of King's Bench or Court of Exchequer is hereby authorized and empowered to set and impose according to their discretion respectively, and to enforce payment of the same, by attachment or otherwise, in such manner as the said Courts respectively may do in cases of contempt of the same Courts.

IX. Provided, That if any person who shall be summoned to appear before the said Commissioners, or any one or more of them, shall upon his or her examination allege that he or she hath purchased or obtained for valuable consideration any estate or interest, of, in, to, or out of any lands, tenements, rents, or annuities, hereditaments, goods, or chattels, touching which he or she shall be sought to be examined, without fraud or covin, having no notice of any charitable trust or use to which the said lands, tenements, rents, annuities, hereditaments, goods, or chattels, or any charge thereon, have or has been given, limited, directed to be applied, then such person shall not be bound to make further answer to any interrogatory of such Commissioners or Commissioner, nor to produce or shew to them or him any deed, paper, writing, instrument, or other document touching his or her estate or interest in such lands, tenements, rents, annuities, hereditaments, goods, or chattels.

X. Provided, That no person having the custody of any deed, paper, writing, instrument, or other document, as mortgagee, trustee or agent, solicitor or attorney, shall be compellable to produce the same, or to give any evidence as to the contents thereof, without notice being first given to his mortgagee, cestui que trust, or principal, and the said mortgagee, cestui que trust, or principal being examined touching the same by the said Commissioners or Commissioner; and in cases such mortgagee, cestui que trust, or principal shall by the provisions of this Act be exempted from producing the said deed, paper, writing, instrument, or other document, then the mortgagee, trustee or agent, solicitor or attorney, shall not be bound to produce or shew the same, or give any evidence of the contents thereof, to the said Commissioners or Commissioner: Provided also, that no person shall be compellable to answer any question, or to produce any deed, paper, writing, instrument, or other document, the answer to which or the production of which may criminate or tend to criminate such person, or to expose such person to any pains or penalties.

XI. That the said Commissioners shall and may receive and send by the general post from and to places within the United Kingdom all letters and packets relating solely and exclusively to the execution of this Act free from the duty of postage, provided that such letters and packets as shall be sent to the said Commissioners shall be directed to the "Commissioners of Charities," at their office in Westminster, and that all such letters and packets as shall be sent by the said Commissioners shall in covers with the words "Office of Commissioners of Charities pursuant to an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King William the Fourth," printed on the same, and be signed on the outside thereof under such seal with the name of such person as the said Commissioners, with the consent of the Lords Commissioners of the Treasury any three or more of them, shall authorize and appoint, in his own handwriting, (such name to be from time to time transmitted to the Secretaries of the General Post Office in London and Dublin,) and under such other regulations and restrictions as the said Lords Commissioners, or any three or more of them, shall think proper and direct; and the person so to be authorized is hereby strictly forbidden so to subscribe any letter or packet whatsoever except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate solely and exclusively to the execution of this Act; and if the person so to be authorized, or any other person, shall send, or cause or permit to be sent, under any cover, any letter, paper, or writing, or any inclosure other than what shall relate to the execution of this Act, every person offending shall be dismissed from his office, and shall forfeit and pay the sum of 100*l.*, one moiety of the said penalty to the use of His Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be recovered for and recovered in any of His Majesty's courts of record at Westminster; and if any letter, paper, or writing, or other inclosure, shall be sent under cover to the said Commissioners, the same not relating solely and exclusively to the execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the General Post Office in London; with the covers under which the same shall be sent, in order that the contents thereof may be changed to the full value of postage.

xv. That whenever any extract from the enrolment of any charter or deed, or from any decree, report, record, document whatever, deposited or remaining in any of the offices belonging to or under the controul of the Courts of Exchequer, or in any public registry, shall be required for the purposes of this Act by any order signed by one of the Commissioners under this Act, the officer or officers having the custody of such enrolment, decree, report, record, or document, shall furnish an extract of so much only as shall be so required of any such enrolment, decree, report, record, document; and that any such extract, or any copy, which shall be required for the purposes of this Act by any order of the said Commissioners, of any such enrolment, decree, report, record, or other document, shall not be subject to the payment of any stamp duty whatever, any law, statute, or usage to the contrary in anywise notwithstanding.

xvi. That this Act or any of the provisions therein contained shall not extend or be construed to extend to the Universities of Oxford or Cambridge, nor to any college or hall within the same, nor to any schools or ornaments of which the said universities, colleges, or halls are trustees, nor to the colleges of Westminster, Eton, or Winton, nor to the Charter House, nor to the schools of Harrow or Rugby, or any of them, nor to the corporation of the Trinity of Debtford Strond, nor to any cathedral or collegiate church within England or Wales, nor to any funds applicable benefit of any persons of the Jewish persuasion, or the people called Quakers, or persons of the Roman Catholic persuasion, and which shall be under the superintendence and controul of persons of such persuasions respectively.

xvii. Provided, That this Act or any of the provisions therein contained shall not extend or be construed to extend to any institution established, or society, for charitable purposes, wholly or principally maintained by voluntary contributions under the superintendence and controul of any committee or governors or other person or persons chosen or appointed by voluntary subscribers thereto; and that the application of any donation or bequest to the general purposes of any such institution, establishment, or society, in aid of such voluntary contributions, shall not be subject to the examination or inquiry of the Commissioners appointed under this Act: Provided always, that the management and application of the profits of any lands, tenements, or hereditaments belonging to such institution, establishment, or society for the twenty years or upwards before the passing of this Act, shall in all such cases be subject to the examination of the Commissioners at their discretion.

xviii. That in all cases of proceedings instituted or to be instituted by His Majesty's Attorney General in pursuance of the said recited Act, 59 Geo. 3. c. 81, hereinafter secondly mentioned, or of the said recited Act, 2 Will. 4. c. 57, or of the production to the Court of a certificate under the hand of His Majesty's Attorney General, stating that the case in question in writing have been certified to His Majesty's Attorney General for the time being; according to the provisions of the said recited Acts of the 59 Geo. 3. c. 81, or of the 2 Will. 4. c. 57, or of this Act, as the case may be deemed sufficient evidence that such particulars have been duly certified to His Majesty's Attorney General according to all intents and purposes whatsoever.

xix. That in all cases of proceedings instituted or to be instituted by His Majesty's Attorney General in pursuance of the said recited Acts, it shall and may be lawful for the said Chief Commissioner and he is hereby directed to superintend such proceedings, with a view to their prompt and effectual termination.

xx. That whenever it shall appear to the said Commissioners to be appointed under the authority of this Act that any property belonging to any charity consists only of one or more annuity or rent-charge, annuities or rent-charges, not exceeding the whole the yearly sum of 50l., and that there are no existing trustees or persons legally qualified to receive an effectual discharge for such annuity or rent-charge, annuities or rent-charges, it shall and may be lawful for any of the said Commissioners, by writing under their hands, to empower the resident minister and the churchwardens or churchwardens for the time being of the parish or place interested in such charity, in case only one parish or place is so interested more than one parish or place is so interested, then the resident minister and the churchwardens and chapelwardens of the said parishes or places interested, to receive the said annuity or rent-charge, annuities or rent-charges, or any part thereof, and to apply the same according to the purposes of the charitable donations or bequests thereof, in the same manner as the trustees of the said charity would have been bound to do; and the power so to be given to such minister and churchwardens or chapelwardens shall remain in force until trustees of the said charity duly appointed shall appear and claim the administration of the funds thereof, or until trustees of the said charity shall be appointed by the Court of Chancery, Exchequer; and all receipts to be given by such minister and churchwardens or chapelwardens shall be effectual to discharge the persons liable to the payment of such annuities or rent-charges for all such sums as in such receipts shall be expressed to have been received in respect thereof; and in case of non-payment of such annuities or rent-charges, or any arrears thereof, it shall and may be lawful for such minister and churchwardens or chapelwardens respectively, during the continuance of the power to be given to them by virtue of the provisions of this Act, to use and exercise all such powers and remedies for enforcing and compelling payment of the said annuities or rent-charges and the arrears thereof, as the trustees of the said charity respectively might or could have done if duly appointed.

xxi. That any action or suit which shall be brought against any Commissioner or Commissioners to be appointed under the authority of this Act, or against any person or persons acting under the authority or by the order of such Commissioner or Commissioners, for anything done or acted by him or them under this Act, shall be commenced within six calendar months next after the fact committed in respect of which such action or suit shall be brought or commenced, and not afterwards; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and the provisions thereof in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time for bringing the same, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or if the plaintiff, her, or their action after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, or if the defendant or defendants shall have trouble costs, which he or they shall and may recover in such and the same manner as the defendant can by law in other cases.

It is provided, That previously to presenting any report the said Commissioners shall give directions, in all cases in which they think fit, to the Attorney General in the Courts of Chancery or Exchequer, on the matter arising out of the said report, and shall not, nor shall any of the clerks or secretaries under this Act, give any information touching any matter, except in pursuance of the directions of the said Commissioners given to the Attorney General.

And it is provided, That this Act shall continue in force until the 1st of March 1837.

And it is provided, That this Act shall not be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXII.

AN ACT for abolishing the Excise Incorporation in Scotland, and for transferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the Payment of the Annuities to the Widows and Orphans of the late and present Members of the Incorporation Fund.

(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

1. As much of the said Act as directs the appointment of managers, and of a clerk and auditor, and the raising of a fund, repealed; and the incorporation to cease.
2. The funds of the Incorporation vested in the Commissioners of Excise for the purposes of this Act, and all their stock to be realized, and the proceeds to be paid to the Commissioners of Excise, and to have such receipts as shall be directed by the Lords of the Treasury.
3. The Commissioners to collect in the property of the incorporation to have full power to do so, and to give valid receipts, and to be liable in actions.
4. Contributions to pay the widows in the same manner as directed by the Commissioners of Excise.
5. Books, accounts, and papers to be delivered to the Commissioners of Excise.
6. Contributions to continue their contributions.
7. Contributions to be deducted from the salaries of contributors.
8. Contributors desirous of withdrawing from further contribution may do so on giving notice. Such notice to be given at least one month before salary becomes due.
9. The salaries of the Commissioners of Excise to be paid, as the augmented rates and for the lengthened period.
10. The salaries to be paid by the Commissioners General or Collectors of Excise where the widows and children are resident.
11. The Commissioners of Excise to be appointed to carry the said Act and this Act into effect.
12. The said Act to remain in force.
13. The said Act to be repealed.
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children, one or more, under the age of twelve years, and no widow, the said annuity should be paid to the said children, the youngest of them attained the age of twelve years complete, but thenceforth and thereafter should cease and determine; and that when the contributor should leave both a widow and children, one or more, under the age of twelve years, the annuity should be paid to the widow during her life and widowhood, and in case of her dying or marrying, again before the youngest of the said children attained the age of twelve years complete, should no longer be payable to the widow, but should thence be paid to the children, and until the youngest of them should attain the age of twelve years complete, and should thence cease and determine; and provision was also made in and by the said royal charter or letters patent for raising and managing the said fund and contributions, and paying the said annuities, by managers to be elected and appointed as therein was directed.

And that it having been found by experience that higher rates of contribution and the interest of a larger stock of capital in proportion to the increased number of members, would be necessary for raising the same, and for extending the benefits of the said royal charter or letters patent, an Act was passed, 45 Geo. 3. c. 31, intitled, 'An Act for confirming the said charter and enlarging the Powers of the Corporation of the Officers of Excise in Scotland,' by which said Act the said charter or letters patent, and all the regulations, ordinances, and appointments therein contained, and all the proceedings had in consequence thereof, were confirmed, so far as the same were not altered by the said Act, and by the said Act the said incorporation was directed to be continued and distinguished into three classes; (that is to say,) the first class thereof to consist of general supervisors, general surveyors, and collectors, along with the auditor, the comptroller, the cashier, the secretary or secretaries, the solicitor or solicitors, the general accountants, and the general examiner, and the deputies established in the actual exercise of those offices, or the persons in the actual occupation of offices of the like nature, if held under other or different names; the second class to consist of supervisors, surveyors, examiners, accountants, and clerks in the General Excise Office in Edinburgh receiving salaries directly out of the revenue, or the persons established in the actual occupation of offices of the like nature, if held under any other or different names; the third class to consist of gaugers or officers, supernumeraries and assistants, or the persons established in the actual occupation of offices of the like nature, if held under other or different names; and member of the said incorporation is by the said Act made subject and liable to and to pay the sum or rate hereinafter mentioned according to his proper class, during his life yearly, by four equal quarterly payments; (that is to say,) each member of the first class, 7*l.* 10*s.*; each member of the second class, 5*l.* 12*s.* 6*d.*; and each member of the third class, 3*l.* 13*s.*; and power is thereby also made for the payment of the difference of rates on the promotion of members from a lower to a higher class for the payment of certain additional rates on marriage; but an option being by the said Act given to the contributors of the said royal charter or letters patent to accede or not to the provisions of the said Act, in order to secure upon just and equitable terms the limited advantages proposed by the said royal charter or letters patent, it is directed by the said Act that no non-acceding member should, in pursuance of a provision made and reserved to that effect in the said royal charter or letters patent, be called upon and obliged in future regularly to pay into the said fund, towards the due and necessary support thereof, not only his ordinary annual contribution, and the rates imposed in case of any second or subsequent marriage, as directed by the aforesaid royal charter or letters patent, but also an addition to his said ordinary contributions, and along with the said rate of 7*l.* 6*d.* annually, for a contribution of the third class over and above his then present rate of 1*l.* 12*s.* 6*d.*, making together the annual rate of 2*l.*, and so in proportion for those of the two higher classes, as before distinguished respectively, and all the rates and sums of money so to be contributed, together with all that had already been contributed and accumulated under the royal charter or letters patent aforesaid, were by the said Act directed to continue and be vested in and applied to the order and direction of the said incorporation, and the managers and cashiers thereof, appointed as therein mentioned, for the use of the same and their successors in office, to and for the uses and purposes after mentioned, (that is to say,) in the first place for defraying the necessary expenses incurred and to be incurred in the passing of the said Act, and in establishing and carrying out the scheme; secondly, for the further raising a fund and capital stock for the purposes of the scheme to the extent therein limited, subject and applicable to the payment of annuities to widows and children of contributors, according to three several classes thereinbefore distinguished, at the rates after specified; (that is to say,) that there should be paid yearly annuity to the widow or to the lawful children of each contributor, of the first class, 32*l.*; of the second class, 16*l.*; and of the third class, 16*l.*; such several annuities to be paid by equal portions quarterly, and within one month after each quarter day respectively, to wit, on the 5th of January, 5th of April, 5th of July, and 10th of October, successively, commencing the first quarter's payment at the first of these days which should happen after the death of the contributor, and so on yearly during the natural life of the widow and her remaining unmarried, or until the youngest surviving child of such contributor should attain the age of sixteen years complete, whichever of these events should happen the latest; provided that widows and children of contributors under the said royal charter or letters patent not acceding to the scheme under the said Act were to be paid annuities only at the former limited rates under the said royal charter or letters patent, and not to children only until the youngest of such children should attain the age of twelve years, as provided by the said original patent; and in order to render the funds thereby established sufficient and suitable for answering the several purposes of the said Act, power was thereby given to raise a capital fund or stock, proportioned to the number of contributors, according to certain rules and regulations in the said Act contained; and it was amongst other things further provided, that such and so often as the said stock should amount to the capital sum therein described and limited, in proportion to the number of contributors, the surplus which might be found above that amount upon balancing the accounts ending at the 5th of July annually should be set apart and applied by the managers of the incorporation at the time in such portions as they should think best, for augmenting the annuities to the widows and children of the contributors proportionably, such augmentation not exceeding the one half of the ordinary annuity payable to each annuitant; and in case of any surplus beyond what should be necessary for making such augmentation within the limit aforesaid, power is given to the managers to apply such surplus plus towards paying the annuities in the succeeding year, and in consequence to direct and allow an abatement to be proportionably out of the ordinary rates payable by the whole contributors in the said year respectively, or, with the consent of the contributors, to form such other plan for the application of such last-mentioned surplus, and to apply the same in any other manner as should appear most agreeable to the majority of the contributors, and most for the benefit of the said scheme; and provision is by the said Act also made for appointing managers for conducting the affairs of the said incorporation.

And that the capital sum in the said Act described and limited having been raised, and a surplus having been found, the managers of the said incorporation have augmented the annuities payable to the widows and children of contributors, and by the Commissioners for Excise for duly recovering, paying over, and accounting for all the property belonging to the said

extent of one-half more than the amount specified in the said Act; (that is to say,) to the widows and children of contributors acceding to the said Act, of the first class, an annuity of 48*l.*; of the second class, 36*l.*; and of the third class, 24*l.*, respectively; and to the widows and children of contributors under the said royal charter or letters patent, non-acceders to the said Act, of the first class, 24*l.*; of the second class, 18*l.*; and of the third class, 12*l.*; and a further surplus beyond what was necessary for such augmentation having been found, the managers of the said incorporation have, with the concurrence of the majority of the contributors, applied the same so as to lengthen the period during which the said annuities are to be payable to the children of the said contributors, (that is to say,) until the youngest of such children, whether of acceding or non-acceding contributors, shall have attained the age of eighteen years: And that the managers and cashier of the said incorporation have, under the authority of the said recited Act, invested the funds of the said incorporation in the purchase, in the name of the cashier, of certain shares amounting in the whole to the sum of 16,500*l.* of the capital or joint stock of the Bank of England, and in the purchase, in the name of the said cashier, of certain shares amounting in the whole to the sum of 14,000*l.* of the capital or joint stock of the Royal Bank of Scotland, and have also, under the powers of the said Act, lent out on heritable securities, taken in the name of the cashier of the said incorporation and his successors in office, certain sums of money, amounting in the whole to the sum of 23,500*l.*, of and to which said several sums the said managers and cashiers now stand possessed and entitled for and on behalf of the said incorporation:

And that the said incorporation now consists, more or less, of one contributor of the first class, seven contributors of the second class, and seventeen contributors of the third class, being contributors under the said royal charter or letters patent, but who refused or neglected to accede as contributors under the said recited Act, and of thirty contributors under the said recited Act of the first class, one hundred and nineteen such contributors of the second class, and five hundred and fifty-five such contributors of the third class: And that the whole revenue of Excise of the United Kingdom being now placed under the management of one general board of Commissioners, all officers in the service of the Excise are officers for the whole of the United Kingdom, and not for any one part thereof, and are removable and removed from any one part of the United Kingdom to any other part thereof, according to the exigencies of the public service, and by the abolition of the chief office of Excise at Edinburgh the principal officers and accountants who were there stationed, and were the principal managers of the affairs of the said incorporation, have either ceased to be officers of the revenue, by the abolition of their offices, or have been removed to the chief office of Excise in London, and inasmuch as the demands of the public service will not allow of collectors and other officers being called from their public duties to meet together and act as managers, it has been found impossible to continue the purposes of the said incorporation and the management of the affairs thereof; and it has become therefore expedient to abolish the same, and to make provision for securing the rights and interests of the existing contributors, and in order to effect the same, that the said shares in the stock of the Bank of England and Royal Bank of Scotland respectively should be sold, and the monies arising from such sales, together with all monies which, before such sales shall be effected, shall have been received and paid to the account of the said incorporation, be carried to the account of the consolidated duties of Excise, and be paid into the receipt of the Exchequer under that head; and the several sums, amounting to the sum of 23,500*l.*, together with the interest arising therefrom, as soon as the bonds given for payment of the same are discharged, and such interest as shall in the meantime be payable should be carried to account, and paid in manner here mentioned; and that no person not having been a contributor before the 5th of January 1835 shall be admitted or deemed to have been admitted a contributor, but that the present contributors, having become contributors before the said 5th of January 1835, shall continue the payment of their respective rates, which shall in like manner be paid over, under the management of the Commissioners of Excise, to the consolidated duties of Excise; and that all annuities to the widows and children of contributors now payable, or which shall hereafter become payable, according to the provisions of the said recited Act, shall be paid out of the duties of Excise, and be placed to the account of incidents of that department:

That so much of the said recited Act as directs the election and appointment of managers, and of a cashier and clerks of the said incorporation, and as directs the raising of a capital stock, and the application of any surplus thereof, as shall be required to this Act, or any of the provisions thereof, shall be and the same is hereby repealed; and the said incorporation shall from henceforth cease and determine, and no new or additional members shall be admitted into the same, nor shall any person be deemed a member thereof or an existing contributor within the meaning of this Act who shall not have been admitted and become a contributor before the 5th of January 1835.

That on the passing of this Act all the stocks, funds, and monies of the said incorporation shall, for the purposes of this Act, be vested in the Commissioners of Excise; and the said shares in the capital or joint stock of the Bank of England and of the Royal Bank of Scotland shall forthwith be sold and disposed of; and the said sums so lent on heritable securities shall, as soon as the same can be in conformity with the conditions of the respective securities on which the same were lent, be called in, and recovered; and all monies arising from such sales, and the amount of such monies when called in and repaid, and all interest thereon, together with all other monies which shall in any manner be vested in the said incorporation, or be vested or remain in the hands, custody, or possession of any body politic or corporate, company, or person or persons in trust for or for the use or behalf of the said incorporation, shall be paid over to the Commissioners of Excise; and for the purpose of realizing and paying over such monies, it shall be lawful for the Commissioners of Excise and they are hereby authorized and required, to nominate and appoint one or more fit person or persons to sell and dispose of the said shares, and to obtain payment of the monies so lent, and to collect and call in all other property or other effects, heritable or moveable, belonging to the said incorporation, and to pay over all monies collected or produced by the sale of such shares, property, and effects as aforesaid, to the Commissioners of Excise; and in case of any person so appointed dying or becoming incapable of acting, or of his appointment being recalled by the said Commissioners of Excise, the said Commissioners shall appoint some other person in the room and place of the person so dying or becoming incapable, or whose appointment has been recalled as aforesaid; and every such appointment as aforesaid to be made by the Commissioners of Excise shall be in the form set out in the Schedule to this Act.

That every person so to be appointed as aforesaid shall, if required, give security in such sum or sums of money as shall be directed by the Commissioners of Excise for duly recovering, paying over, and accounting for all the property of the said

incorporation, and otherwise discharging the duties of his office, such authority as he shall have taken in the name of His Majesty shall be lawful for the Commissioners of Excise to pay and allow to the person or persons so appointed such sum or sums as recompense for his or their labour and trouble in the matter as shall be authorized and directed by the Lords Commissioners of the Treasury.

IV. That the person or persons so to be appointed as aforesaid shall have full power and authority to sell and dispose said shares, and to obtain payment of the monies so lent, and to collect and take in all other property, or other effects, or moveable, belonging to the said incorporation; and the receipt or discharge of any person or persons so appointed as aforesaid shall be sufficient receipt and discharge to all and every person and persons, company, body politic and corporate, or delivering over any money or other property or effects in their hands, custody, or possession, or due or owing to be paid over as the purchase money of any such shares or other property or effects of the said incorporation; and the persons so appointed shall have full power and authority to raise, insist in, and carry on, in his or their name or name, action, suit, or proceedings at law, for making good the purposes of such his or their appointment, and collecting, and realizing the whole of the property and effects, heritable and moveable, of the said incorporation; and no action proceeding raised, insisted in, or carrying on by any such person shall abate, cease, or determine by the death or removal of any such person, but the same shall continue and be insisted in and carried on by the person who shall be nominated and appointed in the room or place of the person so dying or removed.

V. That the Commissioners of Excise shall pay, or cause to be paid all such monies as shall be received by them of the said incorporation into the hands of the Receiver General of Excise, to be paid into the Bank of England, and the receipt of the Exchequer consequent on the duties of Excise, in the same manner as all other monies coming into the said Commissioners on account of the duties of Excise are, by law required to be paid over.

VI. That all books, accounts, documents, and papers belonging to or in the hands, custody, or possession of the managers, clerk, or cashier of the said incorporation, and all books, accounts, documents, or papers relating to the affairs of the said incorporation in the custody or possession of any company or other person or persons in trust for or on the behalf of the managers, clerk, or cashier, shall be delivered over to the Commissioners of Excise, or to such other person or persons as shall appoint to receive and keep the same, and shall from thenceforth become part of the public documents of the Excise.

VII. That all the persons contributors to the said incorporation who shall have been admitted contributors before the 1st of January 1835, whether contributors under the said royal charter or letters patent being non-acceders to the said recited Act, or contributors acceders under the said recited Act, shall continue to pay their several rates and contributions under the said recited Act, according to the class in which they may be, and according as they may be acceders or non-acceders respectively, and shall also in case of promotion or marriage pay the increased or equalizing rates as provided in the said recited Act.

VIII. That the Receiver General of Excise, and the respective collectors of each collection throughout the Kingdom shall deduct from the salary of each officer, being a contributor, who may be stationed within the limits of the office of Excise, or within the collection of any such collector respectively, the amount of the rates or contributions payable by such contributors respectively, according to the provisions of the said recited Act; and the said Receiver General and the said collectors respectively shall enter all monies received by him or them on account of such rates or contributions in their accounts as money received on account of contributions to the Scotch Excise incorporation, and all such monies shall be remitted and paid into the Exchequer on the account of the duties of Excise, in the same manner as other monies received on account of the duties of Excise are by law directed to be remitted and paid.

IX. Provided, That it shall be lawful for any officer of Excise who may be a contributor, not being married, or if not having any child under the age of eighteen years, and who may be desirous of ceasing to be a contributor, to signify in writing to the Commissioners of Excise of such his desire to cease contributing, and thereupon the said Commissioners shall make an order that the name of such officer shall be struck out of the list of contributors; and from thenceforth such officer shall cease to be a contributor, and shall not be liable to have any further deduction made from his salary or wages on account of such rates or contribution, except any arrear thereof or any additional or equalizing rate or rates on account of promotion or marriage shall be due and owing at the time of giving such notice, which in such case it shall be lawful to deduct, and always, that every such notice shall be given six weeks at least before the next quarter day or sittings, when such officer's salary shall be becoming due, and if not so given, the deduction at the ensuing quarter day or sittings shall be made.

X. That all annuities which at the passing of this Act shall be payable to the widows or children of the deceased contributors, and all such annuities as shall hereafter become payable according to the provisions of the said recited Act to the widows or children of the persons who are continuing contributors by this Act, shall continue and be payable at the same rate of payment fixed by the managers of the said incorporation, and for the lengthened period in the case of children, until the said annuity shall be paid, as hereinbefore recited, in disposing of the surplus beyond the limited amount of capital stock, and all such annuity shall be a charge on the duties of Excise, and shall be placed to the account of incidents of that department.

XI. That it shall be lawful for the Receiver General of Excise, and for the collector of the several collections throughout the United Kingdom, and they are hereby authorized and required, out of any monies in their hands, to pay the annuities of the said recited Act and of the Commissioners of Excise at each quarter day, or at the sittings of the quarter day, the amount of all such annuities as shall be due and payable to the widows or children of any deceased contributor, and the said Receiver General and every such collector shall charge all such payments to the account of incidents of the department.

XII. That it shall be lawful for the Commissioners of Excise to name and appoint such person or persons as they shall think fit as the tutors, curators, or guardians of such children of contributors as shall not have any tutors, curators, and also to execute and put in force all such provisions not hereby repealed of the said recited Act as might have been

And that the said Commissioners of Excise, or any one of them, shall have power to make such further rules, orders, and regulations as to them shall seem necessary, expedient, or required, for carrying this Act and the purposes thereof into effect.

XIII. That so much of the said recited Act as is not repealed or provided for by this Act shall remain in force, and shall be the responsibility of the Commissioners of Excise, until the death of the last of the said contributors, and until after the last payment of any annuity to which any person shall be entitled under the said Act and this Act, and shall then cease and determine.

And that this Act may be repealed, altered, varied, or amended by any Act to be made in this present session of Parliament.

SCHEDULE to which this Act refers.

And the Commissioners of Excise, do hereby nominate and appoint with full Power to collect and call in all Sums of Money and Receipts and Discharges for the same; and also to raise, insist in, and carry on any Action, suit, or Proceedings for the Recovery of any Sums of Money, Debts heritable and moveable, and other Property belonging to the said Incorporation, and to sell and dispose of all such Property into Money, and pay over all such monies to use according to the Provisions of an Act of Parliament passed in the 10th Year of the Reign of His Majesty King William the Fourth, intituled "An Act" (here inserted the Title of the Act).

Signed

CAP. LXXIII.

AN ACT to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain cases.

(9th September 1855.)

ABSTRACT OF THE ENACTMENTS.

1. No person committed for trial for a capital offence entitled to insist on liberation on bail.

2. High Court or Circuit Court of Justiciary empowered to grant privilege of bail when consistent with the ends of justice.

3. After passing of the Act, 5 & 6 Will. 4. c. 123, for abolishing the punishment of death in certain cases of forgery; And that since the passing of the said Act persons accused of forgery, in consequence of their crime being no longer capital, in general apply for and are admitted to bail, but very frequently abscond and avoid standing their trial, whereby the ends of justice are defeated.

It is Enacted,

That from and after the passing of this Act no person or persons committed for trial in Scotland for any forgery or other offence which prior to the passing of the before-mentioned Act, was a capital offence, and the punishment of which is by the said Act limited to and declared to be transportation for life, shall be entitled to insist on liberation on bail, but without prejudice to the liberation of such person or persons as heretofore on such bail as the public prosecutor may agree to.

Provided, That it shall be in the power of the High Court or Circuit Court of Justiciary in Scotland respectively, on the application of any person or persons accused of any crime which by the before-mentioned Act is declared to be no longer capital, with death, to admit him or them to the privilege of bail, provided it shall appear to the Court to which such application is made to be consistent with the ends of justice to do so; but the bail so to be taken shall be of such amount, not less than the maximum fixed by the statutes applicable to Scotland now in force for crimes that are bailable, as the Court shall, under the whole circumstances of the case, think necessary for insuring the appearance for trial of the person or persons accused; any law or practice to the contrary notwithstanding.

CAP. LXXIV.]

AN ACT for the more easy Recovery of Tithes.

By this Act, After referring to the provisions of 7 & 8 Will. 3. c. 6, 53 Geo. 3. c. 127, 1 Geo. 1. c. 6, 7 Geo. 3. c. 10 (1), and 54 c. 68: And reciting that it is highly expedient, and would further tend to prevent litigation, if, in the cases and exceptions hereinafter mentioned, all claimants were restricted to the respective remedies provided by the said recited Acts.

It is Enacted,

1. That from and after the passing of this Act no suit or other proceeding shall be had or instituted in any of His Majesty's courts in England now having cognizance of such matter for or in respect of any tithes, oblations, or compositions with or under the yearly value of 10*l.* (save and except in the cases provided for in the two first-recited Acts), but that all complaints touching the same shall, except in the case of Quakers, be heard and determined only under the powers and provisions contained in the said two first-recited Acts of Parliament in such and the same manner as if the same were herein set forth and re-enacted; and that no suit or other proceeding shall be had or instituted in any of His Majesty's courts either in England or Ireland now having cognizance of such matter for or in respect of any great or small tithes, moduses, compositions, or other ecclesiastical dues or demands whatsoever, of or under the value of 50*l.*, withheld by any Quaker either in England or Ireland; but that all complaints touching the same, if in England, shall be heard and determined only under the powers and provisions contained in the said recited Acts, 7 & 8 Will. 3. c. 34, and 53 Geo. 3; and, if in Ireland under the said recited Acts of the Parliament of Ireland, 7 Geo. 3, and the said recited Act, 54 Geo. 3, in the same manner as if the same were herein set forth and re-enacted: Provided always, that nothing hereinbefore contained shall extend to any case in which the act to any tithes, oblation, composition, modus, due, or demand, or the rate of such composition or modus, or the actual value or exemption of the property to or from any such tithes, oblation, composition, modus, due, or demand shall be *bona fide* in question to any case in which any suit or other proceeding shall have been actually instituted before the passing of this Act.

2. That in case any suit or other proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of His Majesty's courts in England or Ireland, for recovering any great or small tithes, modus or composition for tithes, rate, or other ecclesiastical demand, subtracted, unpaid, or withheld by or due from any Quaker, no execution or decree or order shall issue or be made against the person or persons of the defendant or defendants, but the plaintiff or plaintiffs shall and may have his execution or decree against the goods or other property of the defendant or defendants; and in case any person now is detained in custody in England or Ireland, under any execution or decree in such suit or proceeding, or any other officer having such person in his custody shall forthwith discharge him therefrom: and the plaintiff or plaintiffs in such suit or proceeding shall and may, notwithstanding such discharge, issue any other execution or take any other proceedings for recovering his demand and his costs out of the property, real or personal, of the person so discharged.

CAP. LXXV.]

AN ACT for the Amendment of the Law as to the Tithing of Turnips in certain Cases.

By this Act,

After reciting that it is frequently convenient and necessary, in the agistment of turnips by sheep or cattle, to permit of tithes from the ground in order that they may be more easily and completely consumed, and thereby to prevent waste, it is not reasonable that such severance should vary or affect the payment of tithes:—

It is Enacted,

1. That from and after the passing of this Act, in all cases where turnips shall be severed in the manner and for the purposes aforesaid, and shall be eaten on the ground by sheep or cattle, and not otherwise removed, the same shall be subject to the payment of tithes in the same manner and to the same extent as if they had been eaten by such sheep or cattle without having been so severed as aforesaid, and no further or otherwise.

CAP. LXXVI.]

AN ACT to provide for the Regulation of Municipal Corporations in England and Wales.

For the enactments of this Act see Appendix, page i—xlvii.

CHAPTER VII.

AN ACT to repeal the Duties and Drawback on Flint Glass; to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on German Sheet Glass exported in Panes; and to repeal the Drawback on unground and unpolished Plate Glass; and to amend the Laws relating to the Duties on Glass.

ABSTRACT OF THE ENACTMENTS.

1. Duties and drawbacks on flint glass repealed, except, &c.
2. New duty of 6s. 8d. on every 100 pounds weight of fluxed materials for making flint glass.
3. Drawback of 18s. 9d. on every 100 pounds weight of flint glass exported.
4. Officer to make out an account at the end of each round or period of six weeks of the whole quantity of glass charged with duty, and the whole weight of glass weighed within such period, and to charge 2d. per pound additional on all excess above 40 per cent.—6 Geo. 4. c. 117.—1 & 2 Will. 4. c. 102.
5. Drawback on German sheet glass exported in panes, 4l. 4s. per hundred weight.
6. Duties and drawbacks to be collected and paid under former regulations.—Act not to affect the drawback on crown glass.
7. Flint glass not to be entitled to drawback, unless properly manufactured and finished, and worth at least 5d. per pound.
8. Flint glass made into cylinders not to be opened or flattened out, except as herein provided.
9. For preventing frauds as to last-mentioned provision by persons not being makers of glass.
10. Officers to enter premises of last-mentioned persons, and examine glass therein.
11. Glass exported in panes of greater specific gravity than 2,800 not entitled to drawback as crown glass.
12. Makers of flint glass enabled to make and store glass, not to be sold or consumed before the time appointed for the duty now payable to cease.
13. Glass may be taken out of store before such last-mentioned period, notice being given, and on payment of full duty.
14. Makers of flint glass not securing, or fraudulently removing, glass so intended to be stored, liable to full duty, together with costs.
15. Flint glass and German sheet or crown glass not to be made at the same time in the same house.
16. Extending the Acts for securing the duty on crown glass to extend to German sheet glass.
17. Manufacturer of German sheet glass to provide a room for depositing goods not requiring to be annealed.
18. Makers to deposit the German sheet glass or wares not requiring to be annealed in trays or baskets to be provided by them, and to convey the same into the room provided for that purpose, as soon as fitted; under the penalty of 100l.
19. German sheet glass makers to provide scales and weights in the room for unannealed glass.—Penalty for neglect, 100l.—Making use of false scales, penalty, 200l.
20. Drawback on unground and unpolished plate glass repealed.
21. Repeal of the restriction as to the thickness of plate glass.
22. Repeal of certificate to accompany glass from Ireland.
23. Act may be altered this session.

By this Act.

After reciting that it is expedient to reduce the duties and drawbacks on flint glass, and the drawback now payable on the exportation of German sheet glass in panes, and to repeal the drawback now payable on the exportation of unground and unpolished plate glass, and that it is necessary to amend the laws for securing the duties on glass:—

It is Enacted,

I. That from and after the 10th of October 1835, the duties and drawbacks now payable and allowed on flint glass shall be and the same are hereby repealed, save and except as to any arrears of duty which may be due and owing, or which may be a matter of account, or any drawback which may be payable on any flint glass exported on or before the said 10th of October 1835.

II. That in lieu of the duty on flint glass by this Act repealed there shall be raised, levied, collected, and paid, throughout the United Kingdom, the rates and duties of Excise hereinafter mentioned; (that is to say,) for and upon every 100 pounds weight avoirdupois, and so in proportion for any greater or less quantity, of the fluxed materials or metal or other preparations whatever, by what name soever the same may be called or known, that shall be made in Great Britain or Ireland, for the purpose of making flint glass, the sum of 6s. 8d. such duty to be charged on the gross gauge of such materials or metal or other preparations in the pot, of which fluxed materials or metal or other preparations, 3,200 being taken as the specific gravity, eleven shall be the circular divisor for finding the contents in each pot in pounds avoirdupois, and but any deduction, abatement, or allowance whatsoever.

III. That in lieu of the drawback on flint glass hereby repealed, the following drawback shall be allowed and paid; (that is to say,) for and upon every 100 pounds weight avoirdupois, and so in proportion for any greater or less quantity, of flint glass which shall be made in Great Britain or Ireland, and for and in respect of which, or of the materials, metal, or other preparations from which the same shall have been made, all Excise duties payable thereon shall have been duly charged, and which shall be exported as merchandize from thence to foreign parts, the sum of 18s. 9d.

14. That at the end of every round or period of six weeks an account shall be taken and made out by the supervisor, or officer of the district or place in which the glasshouse of any maker of flint glass shall be situate, of the whole quantity of flint glass for or in respect of which such maker of flint glass as aforesaid shall have been charged with duty upon the materials or metal or other preparations from which such flint glass shall have been made, after deduction of the value of all fluxed materials, metal, or other preparations taken account of by the officer, and laid out of the pot, according to the provisions of an Act, 6 Geo. 4. c. 117, intituled, 'An Act to repeal the Excise Duties and Drawbacks on Flint Glass made in Britain, and to impose other Duties and another Drawback in lieu thereof, throughout the United Kingdom; and to extend the Jurisdiction and Powers for recovering Penalties under Customs and Excise Laws in Ireland, until further Provision be made,' and of another Act, 2 & 3 Will. 4. c. 102, intituled, 'An Act to repeal the Excise Duties on Flint Glass, and to impose other Duties in lieu thereof, and to amend the Laws relating to Glass,' and of the whole weight of manufactured flint glass weighed, or which shall have been made by such maker of flint glass as aforesaid, within such round or period of six weeks as aforesaid; and if, upon such account being taken and made out as aforesaid, the weight of such manufactured glass wares as aforesaid shall exceed the quantity of such glass as aforesaid with which such maker shall have been so charged with duty, after such deduction as aforesaid, by any quantity greater than the quantity of forty per centum of or upon the quantity of such flint glass as last aforesaid, every such maker shall be charged with and pay the sum of 2d. per pound weight of such excess, over and above any duty which such maker of flint glass as aforesaid shall have been charged with upon the fluxed materials or metal or other preparations from which such flint glass as aforesaid shall have been made.

15. That in lieu of the drawback of 4l. 18s. per hundred weight now payable on German sheet glass exported in panes shall be allowed and paid for every hundred weight of panes of German sheet glass made in any part of the United Kingdom for which the duty shall have been charged, and which shall after the passing of this Act be exported as merchandize in part of the United Kingdom to foreign parts, such panes not being of less dimensions than six inches in length by four in breadth, 4l. 4s., and so in proportion for any greater or less quantity than an hundred weight of such panes.

16. That the said duties and drawbacks on flint glass, and the said drawback on German sheet glass, by this Act respectively raised, levied, collected, recovered, allowed, and paid in such and the like manner, and in or by any of the or special ways, means, or methods, by which the former duties and drawbacks, in lieu of which the same are hereby imposed and granted, were or might be raised, levied, collected, recovered, allowed, and paid, and the respective persons, goods, merchandize, and commodities liable to the payment or chargeable with the said duties imposed, or entitled to the said drawback granted by this Act, shall be and the same are hereby made subject and liable to all and every the conditions, regulations, restrictions, and forfeitures to which such persons, goods, merchandize, and commodities were generally or specially so liable by any Act or Acts in force on or immediately before the commencement of this Act respecting the duties of Excise in the management of the Commissioners of Excise; and all and every pain, penalty, fine, and forfeiture of any nature whatever, for any offence whatever committed against or in breach of any such Act or Acts, and the several clauses, and directions therein contained, shall be and are hereby directed and declared to extend to and shall be respectively so practised, and put in execution for and in respect of the said duties and drawbacks hereby imposed and granted and allowed as full and ample a manner to all intents and purposes as if all and every the said Acts, clauses, provisions, powers, and directions, pains, penalties, and forfeitures, were particularly repeated and re-enacted in this Act: Provided always, that the provisions herein contained shall alter or affect the drawback now payable on the exportation of panes of window glass commonly called crown glass, not being German sheet glass, but the drawback on such glass exported shall continue, and be payable in the same manner as if this Act had not been passed.

17. That no drawback shall be allowed or payable on the exportation of any flint glass wares or commodities which shall be good, fair, and merchantable articles, perfectly manufactured of metal fully and properly fluxed or fused and finished, rough, waste, and useless parts being removed therefrom, and of such quality as to be worth at least 5s. per pound, or of the duty, if made or if the same had been made into articles for home consumption; and every person who shall pack or ship, or cause to be packed, entered, or shipped, for exportation on drawback, any bad or unmerchantable flint glass, flint glass wares or commodities which shall not be of the description, quality, and value aforesaid, shall forfeit treble the value of the drawback sought to be obtained, or 100l., at the election of the Commissioners of Excise, together with all the said so packed, entered, or shipped, which may be seized by any officer of Excise or Customs.

18. That it shall not be lawful for any maker of flint glass or any other person to open or flatten out any shade or to make of white or uncoloured flint glass, except as hereinafter provided, on pain of forfeiting all flint glass so opened or flattened out, and 100l.: Provided always, that makers of flint glass may open and flatten cylinders of white or uncoloured glass plates, such plates when opened and flattened out not being of less thickness than two-tenth parts of an inch, nor of dimensions than fourteen inches square.

19. And for preventing frauds by persons other than makers of flint glass opening out and flattening shades or cylinders of glass,—

It is Enacted,
That every glass bender or stainer, not being a maker of glass, who shall make use of any arch, or oven for the opening, or flattening, or bending or staining of glass, shall make an entry with the officer of Excise of the district in which his premises shall be situate of every arch or oven and of every room and place used by him for heating, opening, flattening, or bending, or staining glass, or keeping glass opened or flattened, or to be opened and flattened out, and shall be lawful for any such bender or stainer of glass to receive or have in any arch or oven or in any room or place, or any shade or cylinder made of white or uncoloured flint glass; and every person who shall make use of any arch or oven for heating, opening, or flattening, or bending or staining glass, without having made such entry as aforesaid, shall forfeit together with all the glass found on such unentered premises: and every glass bender or stainer, on whose premises shall be found any such arch or oven, or room or place, shall be liable to the same penalties as if he were a maker of glass.

any glass exported in panes of a great specific gravity than two thousand eight hundred shall be entitled to draw drawback on crown glass or German sheet glass; but all glass produced for exportation in panes as crown glass or German sheet glass of a greater specific gravity than two thousand eight hundred, and all coloured glass exported on drawback, shall be deemed to be flint glass, and shall not be entitled to any higher rate of drawback than the drawback on flint glass granted by law.

That no glass exported in panes of a great specific gravity than two thousand eight hundred shall be entitled to draw drawback on crown glass or German sheet glass; but all glass produced for exportation in panes as crown glass or German sheet glass of a greater specific gravity than two thousand eight hundred, and all coloured glass exported on drawback, shall be deemed to be flint glass, and shall not be entitled to any higher rate of drawback than the drawback on flint glass granted by law.

xii. That every maker of flint glass who shall intend to make any flint glass wares or commodities not to be sold or sent into consumption before the 11th of October 1835 shall give notice of such his intention in writing to the proper officer of Excise before storing any such glass, and in such notice shall specify some separate and secure room or store, to be approved of by the Commissioners of Excise or their officers, for the keeping therein of all such flint glass wares and commodities as are intended to be so stored; and such maker of flint glass may from time to time, when giving notice for charging the pots in his glass-house, also give notice in writing to the proper officer of Excise, that all the flint glass to be made in that journey is flint glass not to be sold or sent into consumption until after the 11th of October 1835, and that he is desirous of storing the same; and all such glass shall be made under the regulations and shall be charged with the duties now in force; and as often as any notice for weighing such glass shall be given the officer of Excise, having received such notice, shall attend and weigh and take an account of all such glass in the weighing-room; and such account having been taken, all such glass shall be forthwith removed into the weighing-room, there to remain for the time required by law, and shall then be deposited and stored in the separate room or store approved of by the Commissioners of Excise or their officers, under the locks and keys of the officers of Excise, and otherwise secured in such manner as the Commissioners of Excise shall direct; and all such flint glass shall be kept so stored and secured until on or after the 11th of October 1835, on which day the proper officers of Excise shall take an account of all the said glass which shall have been so stored and secured, as aforesaid, and if upon such account the whole quantity of glass shall be found in the stock of the maker thereof, stored and secured as aforesaid, and the officers of Excise shall be satisfied that it is the same glass which was so made, and that no part thereof has been sent into consumption, or any addition made thereto, or any alteration therein, the Commissioners of Excise are hereby authorized and empowered to allow to the respective makers of such glass the difference in the charge of duty now payable on flint glass, and the duty hereby imposed, and to deliver the said glass to the makers thereof on the charge and payment of the duty by this Act made payable.

And that in case any maker of flint glass shall be desirous of taking out any glass stored for consumption before the 11th of October 1835, it shall be lawful for such maker to give notice to the officer of Excise, specifying the quantity of such glass as he desires to be taken out; such quantity not being less than one hundred weight; and the officer of Excise, having received such notice, shall attend and take an account of and weigh the quantity of glass specified in such notice, and shall deliver the same to the maker thereof; and on all such glass so delivered out before the said 11th of October the full duty of importation shall be paid; provided also, that not more than one such notice shall be given on the same day between the hours of nine o'clock in the morning and six o'clock in the evening.

And that if any maker of flint glass shall be desirous of taking out any glass stored for consumption before the 11th of October 1835, it shall be lawful for such maker to give notice to the officer of Excise, specifying the quantity of such glass as he desires to be taken out; such quantity not being less than one hundred weight; and the officer of Excise, having received such notice, shall attend and take an account of and weigh the quantity of glass specified in such notice, and shall deliver the same to the maker thereof; and on all such glass so delivered out before the said 11th of October the full duty of importation shall be paid; provided also, that not more than one such notice shall be given on the same day between the hours of nine o'clock in the morning and six o'clock in the evening.

xv. That it shall not be lawful for any maker of crown glass or German sheet glass, who shall also be a maker of plate glass, to make any plate glass at the same time as the same forwax or within the same glasshouse or building any crown glass or German sheet glass; but all such plate glass shall be made and manufactured in a separate place, where no crown glass or German sheet glass shall be making or manufacturing; or any fused materials or initial for making the same shall be used in the glasshouse or building; and every such maker as aforesaid who shall make or manufacture at the same time as he is making crown glass or German sheet glass shall forfeit 100*l*. and all the plate glass made at the same time as the crown glass or German sheet glass found in the course of manufacture at the same time shall be forfeited as above.

may also whether German sheet glass is included in some of the regulations prescribed by such Act, for or against which doubts,—

It is Enacted,

XVI. That all the regulations contained in any Act or Acts for securing the duties on or regulating the manufacture of plate window glass or crown glass, and all the provisions, clauses, enactments, pains, penalties, and forfeitures in such Act or Acts contained, shall extend to and be put in force in securing the duties on and regulating the manufacture of German sheet glass.

And after reciting that in the manufacture of German sheet glass certain goods and wares are made which do not require to be annealed, and it is expedient to provide for securing the duty on such articles:—

It is Enacted,

XVII. That every manufacturer of German sheet glass making any goods or wares which do not require to be annealed, and he is hereby required to provide in his glasshouse a good, sufficient, and well-lighted room for the placing and depositing therein such goods and wares as do not require to be annealed in an annealing arch; and such room, and the door or entrance thereof, shall be securely locked, fastened, and sealed by the officer or officers of Excise under whose survey such maker is from time to time be at all times when there shall be any such glass as aforesaid therein, save and except when the same shall be opened by such officer or officers for the purpose of depositing therein such glass as aforesaid, or of weighing and taking account of such glass; and when any such maker shall be desirous of having the door or entrance of such room unlocked and opened for any of the purposes aforesaid, such maker shall give to the officer of Excise under whose survey he shall be on the previous notice in writing of his intention of depositing such glass in such room, and six hours notice for weighing such glass for the charge of duty, specifying in such notice the particular time and hour when he is desirous to have the door or entrance unlocked and opened; whereupon the officer shall attend, pursuant to such notice, and shall unlock and open the said door or entrance, and shall continue the same so unlocked and opened for so long a time as shall be necessary for the purpose specified in the notice, and such officer shall thereupon again lock, fasten, and secure the said door or entrance; and all locks, keys, and things requisite and necessary for locking and securing the said room shall be provided and maintained at the expense of the manufacturer; and if any maker of German sheet glass shall refuse to provide such room as aforesaid, or to pay for any lock, key, or fastening provided by the Supervisor of Excise for locking and securing the same, he shall forfeit 100*l*.

XVIII. That every maker of German sheet glass who shall make or manufacture any German sheet glass which does not require to be put or deposited into any hear or to be annealed therein, such maker having provided such room as by the Act aforesaid required for placing and depositing the same therein, shall, as soon as such German sheet glass shall be made or manufactured into glass wares, lay or deposit all such German sheet glass, or the wares into which the same shall be made or manufactured in trays or baskets, to be by him in that behalf provided, and shall immediately, or so soon as the same shall be filled, and convey all such trays or baskets, with the glass or wares laid or deposited therein as aforesaid, into the room by him provided for such purpose, and shall place and deposit such trays or baskets, or the German sheet glass or wares therein, in such room, and keep and continue the same therein until the officer shall have finally weighed and taken an account thereof for the duty; and every maker of German sheet glass who shall make or manufacture any such glass as aforesaid, and shall lay or deposit all such glass, or the wares into which the same shall be made or manufactured, in such trays or baskets as aforesaid, or who shall not immediately, or so soon as the same shall be filled, carry and convey every such tray or basket of such glass therein, into such room as aforesaid, or who shall not place or deposit the German sheet glass or wares therein in such room, or shall not keep or continue the same therein until the officer shall have finally weighed and taken an account thereof as aforesaid, shall for every such offence forfeit and lose the sum of 100*l*.: Provided always, that any officer or officers of Excise shall be at liberty to weigh or take an account of all German sheet glass brought into or deposited in such room in such manner and at such times as he or they may think fit.

XIX. That every maker of German sheet glass shall and he is hereby required to keep sufficient and just scales and weights in such room as aforesaid, and shall at his own expense find, provide, and affix within such room fit and proper hooks, staples, and also permit and suffer any officer or officers of Excise at any time to use the same for the purpose of weighing and taking an account of and re-weighing in such room the glass, as he may think fit, which shall at any time be deposited therein, and if any such maker shall neglect to keep such scales and weights, or either of them, or shall not at his own expense provide, and affix in manner aforesaid such fit and proper hooks or staples as aforesaid, or shall not permit such officer or officers of Excise to use the same, such maker shall for each and every such offence, forfeit and lose the sum of 100*l*.; and any such maker shall in the weighing or re-weighing of any such German sheet glass make use of, or procure to be made use of, any false, unjust, or insufficient scales or weights, or shall practice any art, device, or contrivance by which any officer or officers may be hindered or prevented from taking the just and true weight of any such German sheet glass, and in every such case such maker shall for every such offence forfeit the sum of 200*l*., with all such false, unjust, or insufficient scales and weights respectively, and the same shall and may be seized by any officer of Excise.

XX. That the drawback now payable on unground and unpolished plate glass shall be and the same is hereby regulated; no drawback shall be allowed or payable on any plate glass exported after the passing of this Act from the United Kingdom except such glass shall be ground and polished, and in all other respects conformable to the regulations in respect to the drawback on and export of ground and polished plate glass contained in an Act, 56 Geo. 3. c. 108, intituled, 'An Act to repeal the Drawbacks and countervailing Duties of Excise on Beer and Malt, and to alter the Drawbacks on Plate Glass, and on other Goods therein.

XXI. That so much of any Act or Acts as prohibits or prevents plate glass from being made of a thickness of less than five eighths of an inch shall be and the same is hereby repealed; and it shall be lawful for any maker of glass to make and manufacture the same of any thickness; provided always, that no plate glass shall be exported or sent out of the Kingdom which shall be in any part thereof less than ground and polished of a less thickness than two eighths of an inch.

XII. That so much of any Act or Acts as requires a certificate of the charge or payment of duty to accompany any class which may be removed from Ireland into Great Britain shall be and the same is hereby repealed.

XIII. That this Act or any of the provisions thereof may be repealed, altered, or amended by any Act to be passed in this present session of Parliament.

CAP. LXXVIII.

AN ACT to explain and amend an Act passed in the Second and Third Year of the Reign of King William the Fourth, for amending the Representation of the People in Scotland; and to diminish the Expenses thereon.

(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Sheriff to indorse on the writ the day on which he received it, and within two days announce time for the election, within ten days.

2. Provisions as to cities and districts of burghs herein specified.

3. Sheriff may select polling districts and polling places.

4. On requisition, sheriff to arrange booths so as not more than 100 electors shall poll in each, the candidate paying the expenses.

5. Polling-booths to be kept open one day.

6. Sheriff substituted to transmit their poll books to the sheriff.

7. Return may be delayed when poll books have not been received.

8. Sheriff to make proclamation on the day after the receipt of poll books.

9. Sheriff, on application of any freeholder, to remove such freeholder's name from district to county town list.

10. Vote of freeholder not to be reckoned by sheriff where life renter has voted on same qualification.

11. Sheriff, in case of necessary absence, may appoint a special substitute.

12. Assisting of the sheriff's court of appeal.

13. Act repealed so far as inconsistent with this Act.

14. Continuance of Act.

15. Act may be amended this session.

After reciting, that it is expedient that the time for fixing the day of election of members to serve in Parliament for cities, burghs, or towns in Scotland should be shortened after the receipt of the writs by the sheriff, and that the poll at such election should be taken in one day, and reciting an Act, 2 & 3 Will. 4. c. 65, intituled, 'An Act to amend the Representation of the People in Scotland,' whereby it is provided that the day of election shall be not less than ten or more than sixteen days after the day on which the writ is received.

1. That each sheriff to whom any writ for the election of a member or members to serve for any city, burgh, or town, or district of cities, burghs, or towns, shall be directed, under the provisions of the said recited Act, shall indorse on the back of the writ the day on which he received it, and shall (except only in the cases hereinafter provided) within two days thereafter appoint a day or days for the election or elections, which day or days shall (except only in the cases hereinafter provided) be not less than four nor more than ten days in cities, burghs, and towns, or districts of cities, burghs, and towns, after the day on which the writ is received, and shall give due intimation thereof as is provided in the said recited Act.

2. That in the districts comprehending Kirkwall, Wick, Dornoch, Dingwall, Tain, Cromarty, Ayr, Irvine, Campbeltown, Inverary, and Oban, the provisions of the said recited Act, in so far as they relate to the announcement of the day of election, and the interval to elapse between the receipt of the writ and the proclamation thereof, shall remain in full force and effect, any thing contained in this Act notwithstanding.

3. That the sheriff may, if required by or on behalf of any candidate, or, if not so required, if it shall appear to him expedient, increase or alter the number, situation, or arrangement of the existing polling places and districts, or parts thereof, so that not more than three hundred electors shall be allotted to poll in each booth or compartment for any of the cities, burghs, or towns within the said writ; and where an alteration has been made by the sheriff in the number, situation, or arrangement of the polling places in any such city, burgh, or town, the town clerk shall forthwith make up a list of the polling places, and cause copies thereof to be affixed to the doors of all the parish or town churches within such city, burgh, or town.

4. That on the requisition of any candidate, or of any elector being the proposer or seconder of any candidate, the booths or compartments at each polling place shall be so divided and arranged by the sheriff or his substitute duly authorized by him, that not more than one hundred electors shall be allotted to poll in each such booth or compartment; Provided always, that candidates or electors making such requisition shall pay all expenses incident upon such division or arrangement.

5. That no booth or any division for any city, burgh, or town, or district of cities, burghs, or towns, shall be kept open for more than one day, and that only between the hours of eight in the morning and four in the afternoon: Provided always, that

at any time after a poll has been demanded the poll at any one place may be closed if all the candidates or their agents and the sheriff or his substitute shall agree in so closing it; and after the poll shall have been closed at all the polling places, the sheriff or his substitute may forthwith upon receipt of the whole poll books, and after having examined them, make proclamation the member or members chosen, at any hour not later than two of the clock in the afternoon, without waiting for the appointed for the declaration: Provided also, that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking of the poll, the sheriff or his substitute at the place where the riot or open violence has occurred may adjourn the nomination or the taking of the poll at the particular polling place or places at which such riot or open violence shall have happened to the following day at some other convenient time, and, if necessary, may repeat such adjournment till such interruption or obstruction shall cease, he always giving notice to the sheriff, or his substitute who is to make the return, of such adjournment having been made; and the state of the poll shall not be finally declared, nor the result of the election proclaimed, until the poll is interrupted or obstructed shall be closed and transmitted to the sheriff or his substitute who is to make the return.

vi. That where a poll takes place for a district of burghs situated in different counties the poll books shall at the time thereof be forthwith sealed up and delivered or transmitted by the sheriff or sheriff substitutes in charge of the poll, to the sheriff appointed by the said recited Act to make the return of the member for such district.

vii. That in case any of the poll books of any county, city, burgh, or town shall not have been received by the return sheriff in time to cast up the votes on the several poll books and to declare the election within the period prescribed by this Act the said sheriff shall postpone the declaration of the election till the said several books are received.

viii. That the sheriff shall, on the day after the receipt of the poll books, and before four of the clock in the afternoon declare the result of the election, and make proclamation accordingly: Provided that if the poll books shall be received on Saturday such declaration and proclamation shall be made before four of the clock on the Monday following.

ix. That any freeholder of any county or shire in Scotland whose rights are preserved to him by the said recited Act shall be entitled to make application to the sheriff of such county or shire, and upon one month's notice thereof being published or doors of the said sheriff court, to poll at all times thereafter at the polling place for the district within which the county or shire is situated; and the sheriff shall delete his name from the district list, and insert it in that for the district in which the county or shire is situated: Provided always, that after making such application to the said sheriff, and publishing such notice on the doors of the said sheriff court, it shall not be lawful for the said freeholder to poll in any other district of such county or shire and provided also, that where a far and life renter are registered in respect of the same freehold qualification they shall concur in the said application.

x. That the vote of any far of a freehold qualification in any county or shire in Scotland whose rights are preserved to him by the said recited Act shall always be taken by the sheriff on a paper apart, and shall not be reckoned by him in casting up the votes at any election where it shall appear that the life renter has voted.

xi. That where a sheriff is necessarily absent from any place where any duty, other than that of acting as a Judge of Appeal is required of him by the said recited Act or by this Act, it shall be competent for him to appoint a special substitute to act for him at such place; and in the event of no such special substitution, his ordinary substitute at the place shall be entitled to act in his room; and if the office of sheriff shall at any time be vacant, by death or resignation, or removal from the duties imposed by the said recited Act or by this Act (other than those imposed upon him as a Judge of Appeal) required to be performed, the ordinary substitute at the head burgh of the shire appointed by the former sheriff shall be entitled to act until a successor to such former sheriff shall be appointed and be in a capacity to act.

xii. That the sheriffs composing the court of appeal constituted by the said recited Act may assemble at the different towns on such day as they shall fix between the 15th and 25th of September in each year, whether the said courts for the said years shall have been held prior to these dates or not; and where such Court shall consist of four or more sheriffs the sheriff against whose judgment any appeal shall be brought shall have no voice in the determination of any such appeal.

xiii. That in all cases in which the provisions of the said recited Act shall be inconsistent with this Act, but no further, the said recited Act shall be and shall be deemed to be repealed: but the said recited Act shall in all other respects remain in full force and effect, and shall be good and effectual to carry this Act into execution as if the same were herein repeated and re-enacted.

xiv. That this Act shall take effect from and after the passing thereof.

xv. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXIX.—IRELAND.

AN ACT to suspend, until after the Sixth Day of April One thousand eight hundred and thirty eight, proceedings for recovering Payment of certain Instalments of the Money advanced under the Act establishing Tithe Compositions in Ireland.

This Act empowers the Lords of the Treasury to suspend proceedings for the recovery of instalments of the money advanced under the Act establishing Tithe Compositions in Ireland.

CAR. LXXX.

AN ACT to apply a Sum of Money out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and thirty-five, and to appropriate the Sum so granted in this Session of Parliament.

(10th September 1835.)

This Act contains the following grants and enactments:—

I. There shall be applied, for the service of the year 1835, 3,147,000*l.* out of the Consolidated Fund.

II. The Treasury may cause 3,147,000*l.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 12.

III. The clauses, &c. in recited Act extended to this Act.

IV. No interest on Exchequer bills.

V. Bank of England may advance 3,147,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. The Treasury to cause bills prepared by virtue of this Act to be delivered to the Bank as security for advances.

VII. Money raised by Exchequer bills to be applied to services voted by the Commons.

VIII. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.

IX. There shall be issued and applied, towards the supply for 1835, 389,980*l.* 12*s.* 7*d.* being the surplus of Ways and Means for preceding years.

X. Monies coming into the Exchequer by 5 Will. 4. c. 3; 15,000,000*l.* by Exchequer bills, 5 Will. 4. c. 4; Monies coming in by 5 Will. 4. c. 9; Monies coming in by 5 & 6 Will. 4. c. 12; 13,521,550*l.* by Exchequer bills, 5 & 6 Will. 4. c. 44; and 1,147,000*l.* and 389,980*l.* 12*s.* 7*d.* by this Act, shall be applied as hereafter expressed.

There shall be applied 4,246,723*l.* for naval services; viz. 933,054*l.* for wages to 26,500 seamen and marines, &c.; 359,000*l.* for victuals for seamen, &c. in the navy; 106,844*l.* for salaries, &c. of the Admiralty Office; 22,183*l.* for the Navy Pay Office; 2,650*l.* for the scientific departments of the navy; 819,103*l.* for naval half pay; 522,695*l.* for military pensions; 119,685*l.* for civil pensions; 350,612*l.* for wages of artificers at home; 361,713*l.* for naval stores, &c.; 19,518*l.* for medicines, &c.; 26,154*l.* for naval miscellaneous services; 169,450*l.* to defray the charge of transports; 98,550*l.* for conveying convicts to New South Wales; 118,547*l.* for naval establishments at home; 22,661*l.* for naval establishments abroad; 25,765*l.* for wages of artificers abroad; 62,440*l.* for new works in yards.

There shall be applied 6,188,291*l.* 6*s.* 5*d.* for land forces; viz. 2,978,528*l.* 6*s.* 7*d.* for forces in United Kingdom and stations abroad (except the East Indies); 78,434*l.* 0*s.* 10*d.* for allowances to officers, &c. of public departments; 9,440*l.* for Royal Military Asylum; 1,275,675*l.* 6*s.* 1*d.* for Chelsea and Kilmainham hospitals; 109,388*l.* for volunteer corps; 120,134*l.* for general staff officers, &c.; 15,968*l.* 1*s.* 10*d.* for rewards for distinguished military services; 106,000*l.* for certain public officers; 78,000*l.* for full pay for retired officers; 585,500*l.* for half pay; 78,980*l.* for half pay, &c. to officers of disbanded foreign corps; 148,929*l.* for pensions to widows; 159,000*l.* for Compassionate List, &c.; 44,385*l.* 2*s.* 8*d.* for superannuations in public departments; 124,538*l.* 8*s.* 2*d.* for the Commissariat; 51,443*l.* 16*s.* 1*d.* for half pay and pensions of Comptrolers; 71,648*l.* for augmenting the pay of general officers; 218,861*l.* 3*s.* 4*d.* for disembodied militia.

There shall be applied 1,296,039*l.* for Ordnance department; viz. 71,193*l.* for Ordnance at the Tower, &c.; 3,906*l.* for the departments at Woolwich; 14,881*l.* for Ordnance establishments at home; 27,989*l.* for those abroad and in Islands; 30,227*l.* for furnishing to barrack masters, &c.; 4,439*l.* for master gunners; 74,984*l.* for the corps of royal engineers,appers, &c.; 725,445*l.* for the royal regiment of artillery; 35,962*l.* for royal horse artillery and riding house troop; 604*l.* for director of the artillery and field train department; 10,040*l.* for the medical establishment of the Ordnance; 30,088*l.* for superintendence of Ordnance works and repairs, &c.; 1,684*l.* for Ordnance works and repairs, &c.; 28,216*l.* for superintendence of building and repair of barracks; 68,203*l.* for building barracks; 64,011*l.* for barrack masters' expenditure, &c.; 131,932*l.* for military, civil, and barrack contingencies; 65,000*l.* for Ordnance and military store branch services; 20,000*l.* for stores for foreign troops; 1,500*l.* for Ordnance services; 164,238*l.* for Ordnance superannuations, retired allowances, pensions, &c.; 161,033*l.* for bread, &c. for troops in Great Britain, and for coals, &c. to stations in the colonies.

XIV. There shall be issued 28,384,700*l.* to pay off Exchequer bills charged on the aids of 1834 or 1835.

XV. And also 621,500*l.* to pay off Exchequer bills for carrying on public works, &c. in the West Indies.

XVI. There shall be applied 1,940*l.* for civil establishment of the Bahama Islands; 4,599*l.* 13*s.* 4*d.* for Bermuda Islands;

3,120*l.* for Prince Edward's Island; 12,030*l.* 15*s.* 10*d.* for Western Africa; 14,290*l.* 18*s.* 6*d.* for ecclesiastical establishments of British North American provinces, &c.; 7,417*l.* 1*s.* 8*d.* for Western Australia; 20,000*l.* for the Indian department in Upper and Lower Canada; 963*l.* 0*s.* 10*d.* for civil government of Heligoland; 9,600*l.* for civil government of Newfoundland; 6,685*l.* 11*s.* 6*d.* for civil government of Nova Scotia; 70,000*l.* for civil establishments of St. Helena.

There shall be applied 22,700*l.* to reviving barracks under 4 Will. 4. c. 45; 130,000*l.* for civil contingencies; 7,786*l.* for the British Museum; 41,200*l.* for repairs of public buildings and furniture of public offices; 19,750*l.* for King's Dockyard; 11,875*l.* for Port Patrick harbour; 5,478*l.* for Holyhead road; 18,000*l.* for new buildings at the British Museum; 12,000*l.* for erecting a National Gallery; 7,665*l.* for repairing Whitehall Chapel; 44,000*l.* for temporary accommodation of the House of Commons; 6,129*l.* for works at Hobbs Point; 50,700*l.* for the officers of the Houses of Lords and Commons; 24,000*l.* for the expenses of both houses; 36,500*l.* for fee fund at the Treasury; 10,129*l.* for ditto at Home Office; 13,487*l.* at the Foreign Office; 12,432*l.* at the Colonial Office; 18,642*l.* at the Privy Council Office; 6,000*l.* for contingencies at the Treasury; 5,414*l.* for contingencies in the Home Department; 31,500*l.* for contingencies in the Foreign Department; 5,500*l.* for contingencies in the Colonial Department; 4,150*l.* for contingencies at the Privy Council, &c.; 22,092*l.* for Comp-

troller General of the Exchequer and Paymaster of Civil Services; 3,700*l.* for messengers at the Treasury and Exchequer; 2,000*l.* for certain professors at Oxford and Cambridge; 2,000*l.* for supplies of 1834, &c.; 12,000*l.* for Insolvent Debtors; 1,461*l.* for superintendence of aliens, &c.; 17,000*l.* for the Penitentiary at Millbank; 4,094*l.* for expenses of State Office, &c.; 5,150*l.* for Commissioners of Municipal Corporations in United Kingdom; 10,200*l.* for Commissioners of Customs; 2,700*l.* for Commissioners of county Rates; 48,241*l.* for Commissioners of Poor-laws; 14,000*l.* for Commissioners preventing the Slave Trade, &c.; 95,966*l.* for salaries of consuls, &c.; 6,112*l.* for salaries of factory inspectors, under 3 Will. 4, c. 103; 66,218*l.* for retired allowances to public officers; 11,500*l.* for relief to Toulonaise and Corsican emigrant Dutch naval officers, and St. Domingo sufferers, &c.; 1,850*l.* for the vaccine establishment; 3,000*l.* for the refuge for the mute; 2,590*l.* for maintaining criminal lunatics; 4,800*l.* for dissenting ministers, poor French refugee clergy, &c.; 3,000*l.* for secret services; 191,756*l.* for stationery, &c. for public departments, and for paper for printing for Parliament; 3,000*l.* the Mint; 8,000*l.* for prosecutions relating to the coin; 8,000*l.* for law charges; 64,000*l.* for maintaining convicts at home in Bermuda, &c.; 20,000*l.* for support of captured negroes; 147,306*l.* for convicts at New South Wales, &c.; 10,000*l.* for Commissioners of Public Records; 2,500*l.* to Sir A. B. King; 4,000*l.* for fees for turapike acts; 20,000*l.* for erection of schools in England; 1,000*l.* for Geographical Society to prosecute two expeditions of discovery; 34,511*l.* for canal communications in Canada; 16,167*l.* for salaries of governors, &c. in West India Colonies; 60,750*l.* for salaries of special Justices under 3 & 4 Will. 4, c. 73, in the British colonies; 1,666*l.* for salaries of agents for emigration at ports in United Kingdom; 58,000*l.* for law expenses, &c. in Scotland; 34,100*l.* for the two houses of Parliament, &c.; 7,000*l.* for a service of plate; Speaker of House of Commons; 4,875*l.* for Commissioners for inquiring into Charities; 6,000*l.* for compensation to Commissioners of Excise Inquiry; 3,200*l.* for maintenance, &c. of criminal lunatics; 110,000*l.* for county rates; 113,000*l.* for by Act of the Danish government; 68,031*l.* 13*s.* 10*d.* for compensating individuals for losses by fire of the Custom House, Dublin; 6,000*l.* for Egyptian antiquities for British Museum; 22,500*l.* for revising barristers under 2 Will. 4, c. 45; 10,000*l.* for relieving the distressed Poles; 10,000*l.* for erecting model schools; 25,000*l.* for educating the negro population; 8,000*l.* for salaries of special Justices in the British colonies.

XVIII. There shall be applied 9,000*l.* for the Foundling Hospital in Dublin; 20,000*l.* for the House of Industry, &c.; for the Hibernian Marine Society; 1,000*l.* for the Female Orphan House, Dublin; 2,500*l.* for the Westmoreland Lock Hospital; 1,000*l.* for the Lying-in Hospital; 4,500*l.* for Dr. Steevens' Hospital; 2,800*l.* for the Fever Hospital, &c.; 500*l.* for Royal Incurables; 5,300*l.* for the Royal Dublin Society; 300*l.* for the Royal Irish Academy; 300*l.* for the Royal Hibernian Academy; 1,500*l.* for Royal Belfast Academical Institution; 35,000*l.* for the advancement of education in Ireland; 2,000*l.* for the Catholic college in Ireland.

XIX. There shall be applied 700*l.* for Board of Charitable Bequests; 12,300*l.* for the Board of Works; 22,423*l.* for secretaries, &c. to lord lieutenant, &c. of Ireland; 12,696*l.* for salaries &c. heretofore paid out of the Civil List; 6,897*l.* for the offices of vice treasurer and teller of the Exchequer in Ireland; 4,100*l.* for printing proclamations and statutes; 25,400*l.* for dissenting ministers; 45,000*l.* for criminal prosecutions; 16,000*l.* for the police of Dublin; 3,358*l.* for public works; 7,000*l.* for the land surveyor of Ireland.

XX. Supplies to be applied only for the purposes aforesaid.

And as to the sum of 585,500*l.* by this Act appropriated on account of half pay as aforesaid:—

(It is Enacted,

XXX. That the rules hereafter prescribed shall be duly observed in the application of the said half pay; (that is to say, no person shall have or receive any part of the same without taking an oath to such purport and effect as shall be required that behalf by His Majesty's warrants directing the issue of the half pay to be received; that no person shall have or receive any part of the same who was under the age of sixteen years at the time when the regiment, troop, or company in which he served was reduced; that no person shall have or receive any part of the same who did not do actual service in some regular battalion, troop, or company in His Majesty's service, except in cases in which the commission was received under extraordinary circumstances which did not, according to the regulations of the army, require the officer to serve; that no person shall have or receive any part of the same who has resigned his commission, and has had no commission since; that no part of the same shall be applied to any person by virtue of any warrant or appointment, except to such person as would have been otherwise entitled to it as a reduced officer; that no person shall have or receive any part of the same for any time during which he shall hold any other military place or employment of profit under His Majesty, or in His Majesty's colonies or possessions beyond the seas, except on the staff or in garrison; and that in such excepted cases, or in cases of his holding any military place or employment of profit under another government, no officer shall receive any part of his half pay unless with His Majesty's approbation, signified by the Secretary at War to the Paymaster General of His Majesty's land forces; and the officer claiming the half pay in pursuance of such approbation shall specify in his oath or affidavit the other military place or employment of profit which he may hold on the staff or in garrison which he may hold under His Majesty, or in the colonies or possessions of His Majesty beyond the seas, or under any other government; that no person who shall, on or before the 28th of July 1828, have held any civil place or employment of profit under His Majesty, or in the colonies or possessions of His Majesty beyond the seas, or under any other government, shall have or receive any part of the same for any time during which he shall hold any civil place or employment of profit under His Majesty, or in the colonies or possessions of His Majesty beyond the seas, or under any other government, except in cases in which the same shall not exceed three times the amount of the highest half pay attached to the rank in virtue of which he claims to receive half pay, or as hereinafter mentioned, nor in any excepted cases unless His Majesty's special approbation be signified as aforesaid; and the officer claiming the half pay in pursuance of such approbation shall signify in his oath or affidavit the civil place or employment of profit which he may have held as aforesaid; but if the net annual emoluments of such civil place or employment shall exceed three times the amount of half pay as aforesaid, and shall fall short of four times that amount, then it shall be lawful for the Paymaster General of the land forces, with His Majesty's approbation, signified by the Secretary at War as aforesaid, to issue, on or after the 24th of December 1835, so much of the half pay claimed by any such officer as shall, together with the net annual emoluments of the civil place or employment, be equal to four times the amount of such half pay; and the officer claiming the half pay in pursuance of such approbation shall specify in his oath or affidavit the civil place or employment of profit which he may have held as aforesaid.)

held as aforesaid, and the actual amount of the emoluments thereof, in such manner and form, and calculated upon such period or periods, as shall be required by the Secretary at War; but no person who after the 28th of July 1835 has been appointed to any civil place of employment of profit (except in His Majesty's household) under His Majesty, or in the colonies or possessions of His Majesty beyond the seas, or under any other government; shall have or receive any part of the same for any time during which he shall hold any such civil place or employment of profit, except as aforesaid, under His Majesty beyond the seas, or under any other government, other than that of a barrack master under the Master General and Board of Ordnance, who shall, under the restrictions before mentioned, be entitled to receive his half pay: Provided always, that nothing in this Act contained shall prevent any person from receiving his half pay who shall be entitled to the same under any other Act or Acts relating to the general or local militia, or the yeomanry or volunteers, but that every such person shall receive the same according to the provisions of any such Act or Acts; and also every surgeon, serjeant major, serjeant, corporal, and private, serving in the general or local militia, or in any corps of yeomanry or volunteers in Great Britain or Ireland, may and shall receive any half pay, together with any pay in the general or local militia, or yeomanry or volunteers, upon taking such oath (if any) as shall be required in or by any Act or Acts, or specified in any warrant of His Majesty, as the case may be, and stating in such oath the commission or employment which he held in the general or local militia, the yeomanry, or volunteers.

XXII. Paymaster General by permission of the Treasury, may issue half pay to officers appointed to civil offices since July 1835.—An account of the number of officers so receiving half pay to be laid before Parliament.

XXIII. Treasury may authorize military officers in civil employments to receive half pay in certain cases.

XXIV. Persons concerned in issuing, paying, and receiving money for the payment of half pay, without the oath having been taken as required, indemnified.

XXV. Half pay allowed to the officers of the Manx Fencibles.

XXVI. Half pay allowances to chaplains of regiments not being in possession of ecclesiastical benefices derived from the Crown.

XXVII. By 4 & 5 Will. 4. c. 84, a sum was appropriated to be paid to half pay officers, the surplus of which is hereby authorized to be disposed of as His Majesty shall direct.

XXVIII. Widows and persons claiming pensions or allowances shall take the required oath.

CAP. LXXXI.

AN ACT for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

(10th September 1835.)

By this Act, so much of 36 Geo. 3 (Irish Act), 52 Geo. 3. c. 143, 7 & 8 Geo. 4. c. 89, 9 Geo. 4. c. 55, as inflicts the punishment of death for letter stealing and sacrilege, is repealed, and every person convicted of such offences, or of aiding or abetting, counselling or procuring the commission thereof, are made liable to be transported, beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, in the common gaol or house of correction for any term not exceeding four years.

CAP. LXXXII.

AN ACT to abolish certain Offices connected with Fines and Recoveries and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of Certain Offices in the Superior Courts of Common Law in England.

(10th September 1835.)

ABSTRACT OF THE ENACTMENTS.

1. Certain offices abolished.
2. Records, &c. transferred to the registrar in London under 3 & 4 Will. 4. c. 74, subject to orders of the Court of Common Pleas.
3. Business of abolished offices transferred to the registrar under 3 & 4 Will. 4. c. 74.
4. Searches may be made and copies taken, which shall be as available as heretofore.
5. Fees heretofore paid in the Alienation Office to be paid to registrar under 3 & 4 Will. 4. c. 74, and accounted for by him.
6. Same fees as heretofore to be received and accounted for, and Treasury to fix remuneration of registrar for performing the duties imposed upon him.
7. Compensation to lords of liberties and others for loss of fees.
8. The sum of 2,000*l.* heretofore paid by receiver of stationer's fees to the hanaper to be paid out of the Consolidated Fund.
9. Compensation for loss of emoluments to acting cursitors of the Court of Chancery to be paid out of the Consolidated Fund.
10. Cursitors of the Court of Chancery abolished from and after the 31st December 1835, and duties transferred to Petty Bag Office.
11. Records, &c. of the cursitors transferred to the clerk of the Petty Bag Office.
12. Clerks of the Petty Bag Office to receive the same fees as the cursitors for all acts done by them.

It is Enacted,

That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, or any one or more of them, by warrant under their hands to order and direct that from and after the 31st of December 1833 any annual or other compensation as in his or their discretion shall seem just and reasonable shall be made to all and every holders of Mortgages, leases or grantees under the Crown, bodies corporate and politic and other persons who at the time of the passing of the said Act were lawfully entitled to fines or parts of fines payable on alienation of land and other hereditaments in England or Wales as aforesaid, for any loss which they have and will respectively sustain by reason of the abolition of such fines; and all such compensations, whether annual or in gross, shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that an account of all such compensations shall within fourteen days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within fourteen days after the meeting of Parliament then next following.

And also enacting that the Receiver General of Alienation Fines, prior to the commencement of the year 1834, paid to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his deputy, the sum of 2,000*l.* per annum out of the monies received for fines of the Alienation Office upon writs of covenant and writs of entry, towards defraying the salaries, allowances, and other payments charged upon the said Keeper or Clerk of the Hanaper by Acts of Parliament and other authorities. And that in consequence of the abolition of fines and recoveries the said Receiver General has not been enabled to pay the said sum since the commencement of the year 1834, and it is necessary that provision should be made for charging it upon the Consolidated Fund:—

It is Enacted,

That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the time being, if he or they shall think proper, to direct a sum not exceeding 2,000*l.* per annum to be charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and to be issued and paid and payable to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his deputy, at such times and in such portions as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury may direct, to enable the said Keeper or Clerk of the Hanaper, or his deputy, to provide for and discharge the salaries, allowances, and other payments charged upon and payable in the said Office of the Hanaper, the first payment of 2,000*l.* per annum, or such part thereof as may be required, to be reckoned and be payable from the 1st of January 1834.

And also enacting that by the operation of this Act the emoluments of the Acting Curators of the Court of Chancery will be utterly taken away, and it is reasonable and fit that compensation should be made to the persons now holding these offices for the loss thereof;—

It is Enacted,

That it shall and may be lawful for the Lord High Treasurer or any three or more of the Commissioners of His Majesty's Treasury for the time being, by warrant under his or their hands, to order and direct that such annual or other compensation as in his or their discretion shall seem just and reasonable, shall be made to the persons now performing the duties of Acting Curators of the Court of Chancery, for any loss of emoluments arising from such employment which they may respectively sustain by reason of the abolition of the offices of the Curators of the said court by the provisions of this Act; and such compensations, whether annual or in gross, shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that an account of such compensations shall within fourteen days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within fourteen days after the meeting of Parliament then next following.

And also enacting that by the operation of an Act, 2 Will. 4. c. 39, intituled, 'An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster,' and of another Act, 3 & 4 Will. 4. c. 74, intituled, 'An Act for the abolition of Fines and Recoveries, and for the Substitution of more simple modes of Assurance,' the business of the Curators of the High Court of Chancery has been greatly diminished, and it is expedient that their offices should be abolished, and the duties now performed by them transferred to some other officer belonging to the said court:—

It is Enacted,

That from and after the said 31st of December the offices of the Curators of the said High Court of Chancery shall utterly cease and determine, and all and every the duties of the said Curators shall be performed by the clerks of the Petty Bag Office in the said court for the time being, and all the acts to be done by the said clerks of the Petty Bag Office in the performance of the duties of the said Curators, from and after the said 31st of December, shall, in all respects, and to all intents and purposes, have the same force and effect as if the same had been done and performed by the said Curators or by their deputies.

And also enacting that the several records, books, and other documents of and concerning the duties and business of the offices of the said Curators shall before the said 31st of December, be delivered by the said Curators or their deputies into the hands and possession of the clerks of the Petty Bag Office, to be by them kept and preserved for the same uses and purposes as the said records, books, and other documents have been heretofore kept and preserved in the office of the said Curators.

That it shall be lawful for the said clerks of the Petty Bag Office for the time being, from and after the said 31st of December, to receive the same fees for all acts, matters and things done, performed, and executed by them as the said Curators have been accustomed to demand and receive; and the said clerks of the Petty Bag Office, from and after the said 31st of December, are hereby required to account for all such fees received by them to the said Lord High Treasurer or Commissioners of His Majesty's Treasury, at such times and in such manner as he or they may direct;

and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow the clerks of the Petty Bag Office for the time being such remuneration for the performance of the duties hereby imposed upon them as he or they shall think reasonable and proper.

CAP. LXXXIII.

AN ACT to amend the Law touching Letters Patent for Inventions.

(10th September 1852)

ABSTRACT OF THE ENACTMENTS.

1. Any person having obtained letters patent for any invention may enter a disclaimer of any part of his specification, or of any alteration therein, which, when filed, to be deemed part of such specification.—Caveat may be entered before.—Disclaimer not to affect actions pending at the time.—Attorney General may require the party to advertise disclaimer.
2. Mode of proceeding where patentee is proved not to be the real inventor, though he believed himself to be so.
3. If in any action or suit a verdict or decree shall pass for the patentee, the Judge may grant a certificate, which being evidence in any other suit shall entitle the patentee, upon a verdict in his favour, to receive treble costs.
4. Mode of proceeding in case of application for the prolongation of the term of a patent.
5. In case of action, &c. notice of objections to be given.
6. Acts void in actions for infringing letters patent.
7. Penalty for using, unauthorized, the name of a patentee, &c.

By this Act,

It is enacted that it is expedient to make certain additions to and alterations in the present law touching letters patent for inventions, as well for the better protecting of patentees in the rights intended to be secured by such letters patent, as for the more ample benefit of the public for the same:—

It is Enacted,

That any person who, as grantee, assignee, or otherwise, hath obtained or who shall hereafter obtain letters patent for sole making, exercising, vending, or using of any invention, may, if he think fit, enter with the Clerk of the Patents of Scotland, or Ireland, respectively, as the case may be, having first obtained the leave of His Majesty's Attorney General or Solicitor General in case of an English patent, of the Lord Advocate or Solicitor General of Scotland in the case of a patent, or of His Majesty's Attorney General or Solicitor General for Ireland, in the case of an Irish patent, with his fiat and signature, a disclaimer of any part of either the title of the invention or of the specification, stating the reasons therefor, or may, with such leave as aforesaid, enter a memorandum of any alteration in the said title or specification, being such disclaimer or such alteration as shall extend the exclusive right granted by the said letters patent; and such disclaimer or memorandum of alteration, being filed by the said Clerk of the Patents, and enrolled with the specification, shall be deemed and taken to be part of such letters patent or such specification in all courts whatever: Provided always, that any person may enter a caveat, in like manner as caveats are now used to be entered, against such disclaimer or alteration, and such caveat being so entered shall give the party entering the same a right to have notice of the application being heard by the Attorney General or Solicitor General or Lord Advocate respectively: Provided also, that no such disclaimer or alteration shall be receivable in evidence in any action or suit (save and except in any proceeding by *scire facias*) pending at the time when such disclaimer or alteration was enrolled, but in every such action or suit the original title and specification alone shall be in evidence, and deemed and taken to be the title and specification of the invention for which the letters patent have been granted: Provided also, that it shall be lawful for the Attorney General or Solicitor General or Lord Advocate, before granting such fiat, to require the party applying for the same to advertise his disclaimer or alteration in such manner as to such Attorney General or Solicitor General or Lord Advocate shall seem right, and shall, if he so require, such advertisement, certify in his fiat that the same has been duly made.

That if in any suit or action it shall be proved or specially found by the verdict of a jury that any person who hath obtained letters patent for any invention or supposed invention was not the first inventor thereof, or of some part thereof, or if some other person or persons having invented or used the same, or some part thereof, before the date of such patent, or if such patentee or his assigns shall discover that some other person had, unknown to such patentee, invented the same, or some part thereof, before the date of such letters patent, it shall and may be lawful for such patentee or his assigns to petition His Majesty in council to confirm the said letters patent or to grant new letters patent, the matter of which shall be heard before the Judicial Committee of the Privy Council; and such committee, upon examining the said matter, being satisfied that such patentee believed himself to be the first and original inventor, and being satisfied that such invention or part thereof had not been publicly and generally used before the date of such first letters patent, may report to His

the opinion; that the prayer of such petition ought to be complied with, whereupon His Majesty may, if he think fit, grant such petition; and the said letters patent shall be available in law and equity to give to such petitioner the sole right of using, making, and vending such invention as against all persons whatsoever, any law, usage, or custom to the contrary thereof notwithstanding: Provided, that any person opposing such petition shall be entitled to be heard before the said Judicial Committee: Provided also, that any person, party to any former suit or action touching such first letters patent, shall be entitled to have notice of such petition before presenting the same.

III. That if any action at law or any suit in equity for an account shall be brought in respect of any alleged infringement of such letters patent heretofore or hereafter granted, or any scire facias to repeal such letters patent, and if a verdict shall pass for the patentee or his assigns, or if a final decree or decretal order shall be made for him or them, upon the merits of the suit, it shall be lawful for the Judge before whom such action shall be tried to certify on the record, or the Judge who shall make such decree or order to give a certificate under his hand, that the validity of the patent came in question before him, which record or certificate being given in evidence in any other suit or action whatever touching such patent, if a verdict shall pass, or decree or decretal order be made, in favour of such patentee or his assigns, he or they shall receive treble costs in such suit or action, to be taxed at three times the taxed costs, unless the Judge making such second or other decree or order, or trying such second or other action, shall certify that he ought not to have such treble costs.

IV. That if any person who now hath or shall hereafter obtain any letters patent as aforesaid shall advertise in the London Gazette three times, and in three London papers, and three times in some country paper published in the town where or near to which he carried on any manufacture of anything made according to his specification, or near to or in which he resides in case he carried on no such manufacture, or published in the county where he carries on such manufacture or where he lives in case these shall not be any paper published in such town, that he intends to apply to His Majesty in council for a prolongation of his term of sole using and vending his invention, and shall petition His Majesty in council to that effect, it shall be lawful for any person to enter a caveat at the Council Office; and if His Majesty shall refer the consideration of such petition to the Judicial Committee of the Privy Council and notice shall first be by him given to any person or persons who shall have entered such caveats, the petitioner shall be heard by his counsel and witnesses to prove his case, and the persons entering caveats shall likewise be heard by their counsel and witnesses; whereupon, and upon hearing and inquiring of the whole matter, the Judicial Committee may report to His Majesty that a further extension of the term in the said letters patent should be granted, not exceeding seven years; and His Majesty is hereby authorized and empowered, if he shall think fit, to grant new letters patent for the said invention for a term not exceeding seven years after the expiration of the first term, any law, usage, or custom to the contrary in anywise notwithstanding: Provided that no such extension shall be granted if the application by petition shall not be made and prosecuted with effect before the expiration of the term originally granted in such letters patent.

V. That in any action brought against any person for infringing any letters patent the defendant on pleading thereto shall give to the plaintiff, and in any scire facias to repeal such letters patent the plaintiff shall file with his declaration, a notice of any objections on which he means to rely at the trial of such action, and no objection shall be allowed to be made in behalf of such defendant or plaintiff respectively at such trial unless he prove the objections stated in such notice; Provided always, that it shall and may be lawful for any Judge at chambers on summons served by such defendant or plaintiff on such plaintiff or defendant respectively to show cause why he should not be allowed to offer other objections whereof notice shall not have been given as aforesaid, to give leave to offer such objection, on such terms as to such Judge shall seem fit.

VI. That in any action brought for infringing the right granted by any letters patent, in taxing the costs thereof regard shall be had to the part of such case which has been proved at the trial, which shall be certified by the Judge before whom the same shall be had, and the costs of each part of the case shall be given according as either party has succeeded or failed therein, regard being had to the notice of objections, as well as the counts in the declaration, and without regard to the general result of the trial.

VII. That if any person shall write, paint, or print, or mould, cast, or carve, or engrave or stamp, upon anything made, used, or sold by him, for the sole making or selling of which he hath not or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without leave in writing of such patentee or his assigns, or if any person shall upon such thing, not having been licensed from the patentee or some person who purchased it from or under such patentee, or not having had the licence or consent in writing of such patentee or his assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the word "Patent" the words "Letters Patent," or the words "By the King's Patent," or any words of the like kind, meaning or import, with a view of imitating or counterfeiting the stamp, mark or other device of the patentee, or shall in any other manner imitate or counterfeit the stamp or mark or other device of the patentee, he shall for every such offence, be liable to a penalty of £100, to be recovered by action of debt, bill, plaint, process, or information in any of His Majesty's courts of record at Westminster or in Ireland, or in the Court of Session in Scotland, one half to His Majesty, his heirs and successors, and the other to any person who shall sue for the same: Provided always, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping or in any way marking the word "Patent" upon anything made, upon the sole making or vending of which a patent before obtained shall have expired.

CAP. LXXXIV.—IRELAND.

AN ACT to empower Grand Juries in *Ireland* to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays.

(10th September 1837)

By this Act,

After reciting that it would tend to encourage the fisheries of Ireland, as well as to facilitate the export of agricultural produce and the introduction of various commodities into the interior, if a sufficient number of piers and quays were built on the banks of navigable lakes and rivers in Ireland:—

It is Enacted,

I. That when any person shall be desirous of promoting the erection of any pier or quay, or the repairing or enlarging of any existing pier or quay on the bank of any navigable river or lake, or the making or repairing of any road or approach to any pier or quay, in any county, county of a city, or county of a town in Ireland, or to deepening or embanking of any such river, it shall be lawful for such person to make application, and for the grand jury of the said county, &c., to make presentment, for such purposes, in like manner, and subject to all the regulations and provisions contained in 3 & 4 Will. 4. c. 23. as in and by every such application shall be proceeded on in every respect as if it were for a public work under the said recited Act of Will. 4. : Provided, that one-third of the estimate be first deposited with the county treasurer, by the person making the application, and the consent of owners, &c. of the lands be lodged with the county treasurer six days before the assizes; the cost of presentment for one work being limited to 300*l*.

II. That two Justices may grant order for repairs.

III. That the pier or quay shall become public property.

IV. That contractors for public works under this Act shall not be liable to stamp duty.

Enacted by their Majesties the King and Queen, by their Majesty's Command, in the fourth year of the said Queen's Majesty, at the City of Westminster, the fourth day of September, 1837.

By the Queen's Majesty's Command,
J. J. Ashurst, Clerk of the Privy Council.

Approved by the House of Commons,
in the fourth year of the said Queen's Majesty, at the City of Westminster, the fourth day of September, 1837.

Approved by the House of Lords,
in the fourth year of the said Queen's Majesty, at the City of Westminster, the fourth day of September, 1837.

Printed by W. Clowes and Sons, Stationers, at the Office of the Stationers, in the Strand, London.

CAP. LXXVI.

AN ACT to provide for the Regulation of Municipal Corporations in England and Wales.
(9th September 1835.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of all Acts, charters, and customs inconsistent with this Act.*
2. *Reservation of all rights of property and beneficial exemptions to freemen, their wives and children.*
3. *No freedom to be acquired by gift or purchase.*
4. *Reservation of the parliamentary franchise to freemen.*
5. *Freemen's roll to be made out and kept by the town clerk.*
6. *Corporations to be styled mayor, aldermen and burgesses.*
7. *Boundaries of certain boroughs to be those settled by 2 & 3 Will. 4. c. 64.—Boundaries of other boroughs to remain until altered by Parliament.*
8. *Every place included within the bounds of a borough to be part of such borough.—Parts cut off from the borough to be declared part of adjoining county.*
9. *Occupiers of houses and shops rated for three years to the relief of the poor, entitled to be burgesses, if resident householders within seven miles.—Aliens and persons who have received parochial relief not to be enrolled.*
10. *Medical assistance or instruction in endowed schools not to be a cause of disqualification.*
11. *Dishonesty may claim to be rated.*
12. *In case of titles by descent, &c. how the occupation is to be reckoned.*
13. *No new burgesses to be admitted who are not qualified under this Act.*
14. *Exclusive rights of trading abolished.*
15. *Overseers to make lists of all persons entitled to be burgesses in their respective parishes.*
16. *As to boroughs in which there is no town clerk.—As to precincts, &c. where there are no overseers.*
17. *Persons omitted from the overseers lists to give notice to the town clerk.—Notices as to persons not entitled to be retained in the lists.—Lists of claimants, and of persons objected to, to be published, &c.*
18. *Mayor and assessors to revise lists, and, upon due proof, to insert and expunge names.*
19. *Power to mayor, &c. of administering, of administering oaths, &c.—Mayor shall sign the lists in open court.*
20. *Barristers to be appointed to revise lists in the first year.*
21. *Affirmation may be substituted for oath.*
22. *Revised borough lists to be kept by the town clerk, and copied into books, with the names numbered.—Such book to be the roll of burgesses entitled to vote.—No stamp duty on enrolment.*
23. *Copies of the burgess roll to be defrayed for sale.*
24. *Expenses of overseers how to be defrayed.*
25. *Mayor, aldermen, and councillors to be chosen in every borough, who together shall constitute the council of the borough.*
26. *Mayor and aldermen to continue to be members of the council during their offices.*
27. *Future vacancies in the office of aldermen how to be filled up.*
28. *Who are not qualified to be chosen mayor or councillor.*
29. *Persons not qualified to be chosen for councillors.*
30. *Councillors to be chosen on the 1st of November in every year.*
31. *One-third part of the council to go out of office annually.*
32. *Elections to be held before mayor and assessors.—Mode of voting.*
33. *Polling booths to be provided.*
34. *No inquiry of the voter except as to his identity, and whether he has voted before at the same election.—Forms of questions as to these points.*
35. *Result of election, how to be declared.*
36. *An alderman to be chosen to preside at election in case of the death or inability of the mayor.*
37. *Election of auditors and assessors.*
38. *Existing mayors and councillors to go out of office on election of councillors under this Act.*
39. *Where boroughs are to be divided into wards, the bounds of the wards to be determined by the barristers appointed to revise the lists.*
40. *Number of councillors for each ward to be assigned by the barristers according to certain rules.*
41. *Apportionment of councillors for each ward in which the ancient division is adhered to.*
42. *Power to examine rate books.*
43. *Councillors and assessors to be elected in wards by the burgesses of such wards.*
44. *Burgesses to vote in the ward in which their property is situated.*
45. *Lists of the burgesses in each ward to be made out yearly.*
46. *Manner of proceeding if any person is elected a councillor in more than one ward.*
47. *Vacancies of councillor, auditor, or assessor to be filled up by fresh election.*
48. *Penalty on mayor, overseers, &c. neglecting to comply with provisions of this Act.*
49. *Penalty on mayor, aldermen, and councillors, auditors and assessors, not to act until they have made a declaration of acceptance of office.—Penalty on councillors, if required, to make a declaration of qualification once in three years.*

51. Every burgess elected to the office of alderman, councillor, auditor, or assessor, and every councillor elected to the office of sheriff, shall accept the office or pay a fine to the borough fund.—Exemptions.
52. Any mayor, alderman, or councillor, if he shall be declared bankrupt or insolvent, or absent himself from the borough, shall forfeit his office.
53. Penalty on persons not qualified, &c. acting as mayor, alderman, or councillor.—Proviso.
54. Persons convicted of bribery disqualified from voting at any election in the borough.
55. Persons offending in any of the cases aforesaid discovering others so offending, to be discharged from all penalties.
56. No person liable to incapacity, penalty, &c. unless prosecuted within two years.
57. The mayor to be a Justice of the Peace for the borough and returning officer at elections of members to serve in Parliament.
58. Power to council to appoint town clerk, treasurer, and other officers;—and to take security for due discharge of their duties.—Salaries.
59. Treasurer to pay no money but by order of council.
60. Officers to account, &c. according to the orders of the council.—Summary remedy against officers for not accounting, &c.—Proviso.—Remedy by action.
61. Councils of cities and towns which are counties to name a sheriff.
62. In certain boroughs, council to appoint a coroner.
63. Coroners to make returns to Secretary of State.
64. County coroners to act in other boroughs.
65. Council empowered to remove certain officers.—Such officers to continue until removed.
66. Officers to receive compensation on removal; and to deliver statement of claims.
67. Compensation to be secured by bond under common seal.
68. Reservation of certain pensions and allowances.
69. All acts of the council to be decided by a majority of councillors present; one-third part of the whole number to be a quorum.—Notice of meetings of council.—Quarterly meetings of council.
70. Council may appoint committees.
71. Charitable trustees.
72. Council to act as trustees where corporators were *ex officio* sole trustees.
73. Council to appoint a limited number of councillors to be joint trustees for certain purposes.
74. Present trustees of certain Acts continued for a definite time.—Trustees not to go out of office by reason of ceasing to be members of council until the time prescribed by the terms of the trust.
75. Powers vested in trustees may be transferred to councillors.
76. A watch committee to be appointed, to consist of the mayor and councilmen; such committee to appoint constables for the borough.—Constables to be for the county, &c. as well as borough.
77. Watch committee to make regulations for the management of the constables.
78. Power to constables to apprehend disorderly persons, &c.
79. Constables attending at the watch-houses in the night may take bail by recognizance from persons brought before them for misdemeanors, such recognizance to be conditioned for the appearance of the parties before a magistrate.—In default of appearance recognizance to be forfeited.—Time of hearing may be postponed.
80. Penalties on constables for neglect of duty.
81. Penalty for assaults on constables.—Proviso.
82. Regulation and payment of expenses.—Rewards for activity, &c.
83. Magistrates to appoint annually a certain number of persons to act as special constables.—Payment of special constables.
84. On notice of appointment of constables, the present provisions in local Acts as to watching, &c. to cease.—Watch-boxes, &c. to be given up for the use of the constables appointed under this Act.—Penalty for not giving them up.
85. Proviso as to rates in arrear, and as to debts.
86. Watch committee to transmit a report quarterly to the Secretary of State, and also a copy of their rules, &c.
87. Power for council to order parts of a borough not within a local Act as to lighting to be included in such Act.—Proviso.—Amount of rate for lighting.
88. Council may assume the powers of inspectors under 3 & 4 Will. 4. c. 90. for lighting any part of the borough not within a local Act for lighting the same.
89. Act not to interfere with the regulations for the government, &c. of dockyards, arsenals, &c.
90. Council to have power to make bye laws.
91. As to breaches of bye laws.
92. All corporate property and all fines received to be carried to the account of the borough fund.—Payment of debts, &c. of recorder, town clerk, treasurer, and other officers, and election expenses to be paid out of such fund.—Application for aid.—If the fund be insufficient, the council shall order a rate to make up the deficiency.
93. Accounts of receipts and disbursements to be kept, audited, and published.
94. Power of sale and leasing restrained.
95. The council of any borough under this Act authorized to renew leases, &c.
96. Leases of certain buildings, and of ground for building on, or for making gardens, &c., may be made for seventy-five years.
97. Collusive purchases, sales, and demises of corporate property since the 5th June 1835, for undue consideration, may be set aside.
98. His Majesty's commission may be issued for certain persons to act as Justices in any of such boroughs.
99. Councils may make bye laws, on which the Crown may appoint salaried Justices.
100. Council to provide a police office.
101. Justices need not be qualified by estate.—Such Justices not to sit in Courts of gaol delivery, &c.
102. Justices to appoint a clerk, who shall not be clerk of the peace, or an alderman or councillor, nor be concerned in the prosecution of offenders committed by the borough Justices.
103. His Majesty may grant a separate Court of Quarter Sessions, and appoint a recorder, in certain boroughs.—Recorder to be a Justice of the Peace for the borough;—but not a member of parliament for the borough, alderman, councillor, or police magistrate.

104. ~~Recorder and Justices to make declaration before acting.~~
105. ~~Sessions of the Peace to be held for the borough, of which the recorder to be the sole Judge.—Recorder not to make or levy county rate, &c.~~
106. ~~Mayor, in the absence of the recorder and deputy recorder, may open and adjourn the court.~~
107. ~~Capital jurisdictions, and all other criminal jurisdictions in boroughs, other than are specified in this Act, abolished.~~
108. ~~Chartered Admiralty jurisdictions abolished.~~
109. ~~Certain exceptions in 38 Geo. 3. c. 53. repealed.—Berwick-upon-Tweed to be a county of a town.—As to trial of offences committed in counties of cities and towns corporate.~~
110. ~~Offenders committed to borough sessions whose jurisdiction is taken away to be tried in the adjoining county.~~
111. ~~County Justices to have jurisdiction in all boroughs which have not a separate Court of Quarter Sessions of the Peace under this Act.~~
112. ~~Certain boroughs not to be assessed to county rates.~~
113. ~~Boroughs to pay the expenses of prosecutions at the assizes.~~
114. ~~Treasurers of counties to keep an account of expenses of prosecution of offenders sent by such boroughs for trial at the assizes, and make order on them for payment thereof.—In case of difference respecting such account the same to be referred to arbitration, as provided in 5 Geo. 4. c. 85.~~
115. ~~Council may contract for committing prisoners to the gaol of another borough, if sufficient.~~
116. ~~Council of certain boroughs to have the same powers under the Acts 4 Geo. 4. c. 64. and 5 Geo. 4. c. 85. as Justices of Peace have at their sessions in counties.~~
117. ~~Boroughs to pay a proportion of the other county expenditure.~~
118. ~~Borough courts of record to be holden as heretofore, but in certain cases with extended jurisdiction.—Proviso.~~
119. ~~Council to appoint registrar and other necessary officers of the court.~~
120. ~~Existing suits not to abate by reason of the change of jurisdiction.~~
121. ~~Who to be jurors.—Summoning of jurors, &c.—Fine on jurors for non-attendance.~~
122. ~~Members of the council, &c. exempt from serving on juries; burgesses of boroughs which have quarter sessions exempt from juries of county quarter sessions.~~
123. ~~All chartered exemptions from serving on juries abolished.—6 Geo. 4. c. 50. in part repealed.~~
124. ~~Fees payable to the clerk of the peace, clerk to the magistrates, and registrar and officers of the court of record.~~
125. ~~Table of fees to be hung up.~~
126. ~~Application of penalties.~~
127. ~~Limitation of time for prosecution of offences punishable on summary conviction.~~
128. ~~Power to summon witnesses.—Penalty for disobedience of summons, &c.—No witness or Justice to be incompetent on the ground of rateability.~~
129. ~~Payment of penalties;—may be levied by distress;—or offender imprisoned.~~
130. ~~Form of conviction.~~
131. ~~Appeal against convictions under this Act.~~
132. ~~No certiorari, &c.—As to informality in warrants, &c.~~
133. ~~Venue in proceedings against persons acting under this Act.—Notice of action.—General issue.—Tender of amends, &c.~~
134. ~~Jurisdiction of the cinque ports preserved.~~
135. ~~Jurisdiction of the cinque ports further preserved.—Proviso as to juries in the cinque ports liberties.~~
136. ~~Act not to affect letters patent founding a grammar school at Louth.~~
137. ~~Saving of the rights of the Universities of Oxford and Cambridge.~~
138. ~~Not to affect jurisdiction over precincts of cathedrals, nor rights of University of Durham.~~
139. ~~In cases where bodies corporate are seized in their corporate capacity of advowsons, &c. the same may be sold as Ecclesiastical Commissioners may direct.—Vacancy arising before sale to be supplied by bishop of the diocese.~~
140. ~~Periods connected with first registration and election may be deferred by order in council.~~
141. ~~The King empowered to grant charters of incorporation.~~
142. ~~Interpretation clause.~~
143. ~~Act may be altered this session.~~

By this Act,

After reciting that divers bodies corporate at sundry times have been constituted within the cities, towns, and boroughs of England and Wales, to the intent that the same might for ever be and remain well and quietly governed; and that it is expedient that the charters by which the said bodies corporate are constituted should be altered in the manner hereinafter mentioned;—

It is Enacted,

1. That so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters patent now in force relating to the several boroughs named in the Schedules (A.) and (B.) to this Act annexed, or to the inhabitants thereof, or to the several bodies or reputed bodies corporate named in the said Schedules, or any of them, as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby repealed and annulled.

And after reciting that in divers cities, towns, and boroughs the common lands and public stock of such cities, towns, and boroughs, and the rents and profits thereof, have been held and applied for the particular benefit of the citizens, freemen, and burgesses of the said cities, towns, and boroughs respectively, or of certain of them, or of the widows or kindred of them, or certain of them, and have not been applied to public purposes;—

It is Enacted,

11. That every person who now is or hereafter may be an inhabitant of any borough, and also every person who has been admitted or who might hereafter have been admitted a freeman or burgess of any borough if this Act had not been passed, or who now is or hereafter may be the wife or widow or son or daughter of any freeman or burgess, or who may have espoused or may hereafter espouse the daughter or widow of any freeman or burgess, or who has been or may hereafter be bound an apprentice, shall have and enjoy and be entitled to acquire and enjoy the same share and benefit of the lands, tenements, and

hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any lands, tenements, and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any person or any body corporate may be seised or possessed in whole or in part for any charitable use or trusts, as fully and effectually, and for such time and in such manner, as he or she by any statute, charter, bye-law, or custom in force at the time of passing this Act might or could have had, acquired, or enjoyed in case this Act had not been passed: Provided always, that the total amount to be divided amongst the persons whose rights are herein reserved in this behalf shall not exceed the surplus which shall remain after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with the salaries of municipal officers, and all other lawful expenses which, on the 5th of June, were defrayed out of or chargeable upon the same: Provided also, that nothing hereinbefore contained, shall be construed to apply to any claim, right, or title of any burgesses or freemen, or of any person, to any discharge or exemption from any tolls or dues, levied wholly or in part by or to the use or benefit of any borough or body corporate; and that after the passing of this Act no person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any body corporate, except as hereinafter is excepted: Provided nevertheless, that every person who, on the 5th of June in this present year, was an inhabitant, or was or was entitled to be admitted a freeman or burgess of any borough, or who on the said 5th of June was the wife or widow, son or daughter of any freeman or burgess of any borough, or who on the said 5th of June was bound an apprentice, shall be entitled to have or acquire and enjoy the same discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any borough or body corporate as fully and for such time and in such sort as he or she, by any statute, charter, bye-law, or custom in force on the said 5th of June, might or would have had, acquired, and enjoyed the same if this Act had not been passed, and no further or otherwise: Provided also, that where, by any statute, charter, bye-law, or custom in force within any borough at the time of passing this Act, any person whose rights in this behalf are herein reserved would have been liable in case this Act had not been passed to pay any fine, fee, or sum of money to any body corporate, or to any member, officer, or servant of any body corporate, in consideration of his freedom, or of his or her title to such rights as are herein reserved, no such person shall be entitled to have or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee, or sum of money to the treasurer of such borough, appointed under the provisions of this Act, on account of the borough fund hereinafter mentioned: Provided also, that nothing in this Act contained shall be construed to entitle any person to any share or benefit of the rights herein reserved who shall not have first fulfilled every condition which, if this Act had not passed, would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according to the provisions of this Act, or to strengthen, confirm, or affect any claim, right, or title of any burgesses or freemen of any borough or body corporate, or of any person, to the benefit of any such rights as are hereinbefore reserved, but the same in every case may be brought in question, impeached, and set aside in like manner as if this Act had not been passed.

III. Provided, That from and after the passing of this Act no person shall be elected, made, or admitted a burgess or freeman of any borough by gift or purchase.

And after noticing that the right of voting in the election of members to serve in Parliament was by an Act, 2 Will. 4. c. 45, intituled 'An Act to amend the Representation of the People of England and Wales,' preserved to all persons who then were or thereafter might become freemen or burgesses of any city or borough, subject to the conditions and provisions in that Act contained:—

It is Enacted,

IV. That every person who if this Act had not been passed would have enjoyed, as a burgess or freeman, or might hereafter have acquired, in respect of birth or servitude, as a burgess or freeman, the right of voting in the election of a member or members to serve in Parliament for any city or borough, shall be entitled to enjoy or acquire such right of voting as fully as if this Act had not been passed; and the town clerk of every city or borough returning a member or members to Parliament shall at all times hereafter do and perform all things appertaining to the due registration of the freemen or burgesses of such city or borough according to the provisions of the said Act.

V. That the town clerk of every borough shall on or before the 1st of December next make out a list, to be called "The Freemen's Roll," of all persons who at the time of the passing of this Act shall have been admitted as burgesses or freemen of such borough; and that whenever any person shall hereafter become entitled to be admitted a burgess or freeman for the purposes aforesaid of such borough in respect of birth, servitude, or marriage, and shall claim to be admitted accordingly, the mayor of such borough shall examine into such claim, and upon such claim being established every such person shall then upon be admitted and enrolled by the town clerk of such borough upon the freemen's roll; and the town clerk shall keep a true copy of such roll, to be perused by any person without payment of any fee at all reasonable times, and shall deliver a copy thereof to any person requiring the same, on payment of a reasonable price for such copy.

VI. That after the first election of councillors under this Act in any borough, the body or reputed body corporate within the said Schedules in connexion with such borough shall take and bear the name of the mayor, aldermen, and burgesses of the borough, and by that name shall have perpetual succession, and shall be capable in law, by the council hereinafter mentioned of such borough, to do and suffer all acts which now lawfully they and their successors respectively may do and suffer by that name or title of incorporation; and the mayor of each of the said boroughs shall be capable in law to do and suffer all which the chief officer of such borough may now lawfully do and suffer, so far as the same respectively are not altered or nullified by the provisions of this Act.

VII. That after the passing of this Act the metes and bounds of the several boroughs named in the first section of the Schedules (A.) and (B.) for the purposes of this Act shall be the same as the limits thereof respectively settled and declared in an Act 2 & 3 Will. 4. c. 64, intituled, 'An Act to settle and describe the Divisions of Counties and the Limits of Cities, Boroughs in England and Wales, so far as respects the Election of Members to serve in Parliament; and the metes and bounds of the several boroughs named in the second section of the said Schedules for the purposes of this Act shall be and remain

the same are now taken to be until such time as Parliament shall otherwise direct : Provided nevertheless, that notwithstanding anything herein contained no parish or place, or part of any parish or place, which is detached from the main part of such borough or county of a city or town corporate, shall after the passing of this Act be included within any such borough or county ; and, subject to this provision, the metes and bounds of every such borough and county shall include the whole of the liberties of such borough or county by land and by water as the same now are or are taken to be.

VIII. That every place and precinct which shall be included within the metes and bounds of any borough as hereinbefore provided, and none other, shall be part of such borough, and in those boroughs which are counties of themselves shall be part of such county and of none other ; and in every case in which the metes and bounds of any borough or county under the provisions of this Act shall not include any place or precinct which before the passing of this Act was part of such borough or county such place or precinct shall thenceforward be taken to be part of the county wherein such place or precinct is situated, or with which it has the longest common boundary : Provided nevertheless, that if any such place or precinct shall have been liable before the passing of this Act to contribute to any rate made for the purpose of satisfying any lawful debt to which the ratepayers of such borough or county were liable to contribute before the passing of this Act, and in case any difference shall arise concerning the proportion of such debt as ought therefore to be paid and contributed in respect of such place or precinct, it shall be lawful for the senior Justice of Assize for the county of which such place or precinct shall thenceforward be taken to be part, on his circuit, on the application of the council of such borough, or of the chairman of a public meeting of the ratepayers of such place or precinct, to appoint, by writing under his hand, a barrister not having any interest in the question to arbitrate between the parties, and by his award under his hand and seal to assess the proportion, if any, of such debt as ought therefore to be paid and contributed in respect of such place or precinct ; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and in what proportion, and out of what fund, the same shall be paid ; and such rate as aforesaid shall continue to be levied by warrant of the council of such borough, and paid by such place or precinct, as if this Act had not passed, until such proportion shall have been fully paid and satisfied to the treasurer of the borough, and no longer : Provided nevertheless, that every county gaol, house of correction, or lunatic asylum, court of justice, or Judge's lodging, which at the time of the passing of this Act is taken to be for any purpose within any county, shall still, for all such purposes, be taken to be within such county, anything herein contained to the contrary notwithstanding.

IX. That every male person of full age who on the last day of August in any year shall have occupied any house, warehouse, counting-house, or shop within any borough during that year and the whole of each of the two preceding years, and also during the time of such occupation shall have been an inhabitant householder within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions hereinafter contained, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough : Provided always, that no such person shall be so enrolled in any year, unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the last day of August as aforesaid all such rates, including therein all borough rates, if any, directed to be paid under the provisions of this Act, as shall have become payable by him in respect of the said premises, except such as shall become payable within six calendar months next before the said last day of August : Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes : Provided also, that no person being an alien shall be so enrolled in any year, and that no person shall be so enrolled in any year who within twelve calendar months next before the said last day of August shall have received parochial relief or other alms, or any pension or charitable allowance from any fund intrusted to the charitable trustees of such borough hereinafter mentioned : Provided, that in every case provided in this Act the distance of seven miles shall be computed by the nearest public road or way by land or water.

X. That no medical or surgical assistance given by the charitable trustees of any borough shall be taken to be such charitable assistance as shall disqualify any person from being enrolled a burgess as aforesaid ; nor shall any person be so disqualified by reason that any child of such person shall have been admitted and taught within any public or endowed school.

XI. That in every borough it shall be lawful for any person occupying any house, warehouse, counting-house, or shop to him to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof ; and upon such occupier so claiming, and actually paying or tendering the full amount of the last made rate then payable in respect of such premises, the overseers of the parish in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being ; and in case such overseer shall neglect or refuse so to do such occupier shall nevertheless, for the purposes of this Act, be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid : Provided always, that where by virtue of any Act of Parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord, but in case the tenant who shall have been rated for such premises in consequence of any such claim as aforesaid shall make default in the payment of the poor's rate payable in respect thereof such landlord shall be and remain liable for the payment thereof in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.

XII. That where any house, warehouse, counting-house, or shop in any borough shall come to any person by descent, marriage, marriage settlement, devise, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy as rating, in respect of the occupancy thereof by the person from or by whom such house, warehouse, counting-house, or shop shall have so come to him, as his own occupancy and rating conjointly with the time during which he shall have since occupied it been rated for the same, and shall be entitled to be enrolled a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided.

XIII. That after the passing of this Act no person shall be enrolled a burgess of any borough, for the purpose of enjoying rights conferred for the first time by this Act, in respect of any title other than by occupancy, and payment of rates within such borough, according to the meaning and provisions of this Act.

And after reciting that in divers cities, towns, and boroughs a certain custom hath prevailed, and certain bye-laws have been made, that persons, not being free of a city, town, or borough, or of certain guilds, mysteries, or trading companies within the same, or some or one of them, shall keep any shop or place for putting to show or sale any or certain wares or merchandizes by way of retail or otherwise, or use any or certain trades, occupations, mysteries, or handicrafts for hire, gain, or sale within the same.

It is Enacted,

XIV. That, notwithstanding any such custom or bye-law, every person in any borough may keep any shop for the sale of all lawful wares and merchandizes by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft, for hire, gain, sale, or otherwise, within any borough.

XV. That on the 5th of September in every year the overseers of the poor of every parish wholly or in part within any borough shall make out an alphabetical list, to be called "The Burgess List," according to the form Number 1. in the Schedule (D.) to this Act annexed, of all persons who shall be entitled to be enrolled in the burgess roll of that year, according to the provisions of this Act, in respect of property within such parish; and the overseers shall sign such burgess lists, and shall deliver the same to the town clerk of the borough on the said 5th of September in every year, and shall keep a true copy of such lists, to be perused by any person, without payment of any fee, at all reasonable hours between the 5th and 15th of September in every year; and the town clerk shall forthwith cause copies to be printed of all overseers lists delivered to him, and shall deliver a copy of all such lists to any person requiring the same, on payment of a reasonable price for each copy, and shall cause a copy of all such lists to be fixed on or near the outer door of the town hall, or in some public and conspicuous situation within the borough, on every day during the week next preceding the 15th of September in every year.

XVI. That in any borough in which there shall be no town clerk, or in which the town clerk shall be dead or incapable of acting, all matters by this Act required to be done by and with regard to the town clerk shall be done by and with regard to the person executing duties in such borough similar to those of town clerk, and if there be no such person, or if such person shall be dead or incapable of acting, then by and with regard to such fit person as the mayor of such borough shall appoint, to that effect: Provided always, that every precinct or place, whether extra-parochial or otherwise, which shall have no town clerk, shall, for the purpose of making out such lists as aforesaid, be deemed within the parish adjoining thereto, such parish being wholly or in part situate within the same borough as such precinct or place, and if such precinct or place shall adjoin two or more parishes so situate as aforesaid it shall be deemed to be within the least populous of such parishes according to the last census for the time being: and the overseers of the poor of every such parish shall insert in the list for their parish the names of all persons who would have been entitled to be inserted in the lists for such precinct or place if such precinct or place had had overseers or been rated to the maintenance of the poor.

XVII. That every person whose name shall have been omitted in any such burgess list and who shall claim to have his name inserted therein, shall, on or before the 15th of September in every year, give notice thereof to the town clerk in writing according to the form Number 2. in the said Schedule (D.), or to the like effect; and every person whose name shall have been inserted in any burgess list for any borough may object to any other person as not being entitled to have his name retained in the burgess list for the same borough, and every person so objecting shall, on or before the 15th of September in every year, give to the town clerk of such borough, and also give to the person objected to, or leave at the premises for which he shall appear to be rated in the burgess list, notice thereof in writing according to the form Number 3. in the said Schedule (D.), or to the like effect; and every town clerk shall include the names of all persons so claiming to be inserted on the burgess list in a list according to the form Number 4. in the said Schedule (D.), and shall include the names of all persons so objecting to as not entitled to be retained on the burgess list in a list according to the form Number 5. in the said Schedule (D.), and shall cause copies of such several lists to be fixed on or near the outer door of the town hall or in some public and conspicuous situation within such borough during the eight days next preceding the first day of October in every year; and the town clerk shall likewise keep a copy of the names of all persons so claiming as aforesaid, and also a copy of the names of all persons objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days, Sunday excepted, next preceding the 1st of October in every year, and shall deliver a copy of each of such lists to a person requiring the same, on payment of a sum not exceeding 1s. for each copy.

XVIII. That the mayor and the two assessors hereinafter mentioned, to be chosen in every year by the burgesses of every borough, shall hold an open court within such borough, for the purpose of revising the said burgess lists at some time between the 1st of October inclusive and the 15th of October inclusive in the year 1836, and every succeeding year, having first given three clear days notice of the holding of such court, to be fixed on or near the outer door of the town hall or in some public and conspicuous situation within the borough; and the town clerk of every such borough shall, at the opening of the court, produce the said lists, and a copy of the lists of the persons claiming and of the persons objected to, so made out as aforesaid; and the overseers, vestry clerks, and collectors of poor's rates of every parish wholly or in part within every such borough shall attend the Court, and shall answer upon oath all such questions as the Court may put to them or any of them touching any matter necessary for revising the burgess lists; and the mayor shall insert in such lists the name of every person who shall be proved, to the satisfaction of the Court, to be entitled to be inserted therein, according to the provisions of this Act, and shall retain on the said list the names of all persons to whom no objection shall have been duly made, and shall retain on the said lists the name of every person who shall have been objected to by any person, unless the party objecting shall appear by himself or by some one on his behalf in support of such objection; and where the name of any person inserted in any one of the said lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the Court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the Court the mayor shall arrange

may remove any person from the said lists, and he shall also expunge from the said lists the name of every person who shall be proved to the Court to be dead, and shall correct any mistake or supply any omission which shall be proved to the Court to have been made in any of the said lists in respect of the name or place of abode of any person who shall be included in any list, or in respect of the local description of his property: Provided always, that no person's name shall be inserted by the mayor in any such list, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is hereinbefore required in each of the said cases.

XII. That every mayor holding any court under this Act for the revision of the said lists shall have power to adjourn the same from time to time, so that no such adjourned court shall be held after the 15th of October in any year, and shall have power to require any overseer, or person having the custody of any book containing any rate made for the relief of the poor during that or any preceding year, in any parish wholly or in part within the borough, to produce the same and allow the same to be inspected at any court to be held for revision of the burgess lists, and shall have power to administer an oath to the town clerk, and to the overseers, and to all persons claiming to be inserted in or making objection to the omission or insertion of any name in any of the said lists, and to all persons objected to in any of such lists, and to all persons claiming to have any mistake in any of such lists corrected, and to all witnesses who may be tendered or examined on either side; and the mayor and assessors shall, upon the hearing in open court, determine upon the validity of such claims and objections, and the mayor shall, in open court, write his initials against the names respectively struck out or inserted, and against any part of the said lists in which any mistake shall have been corrected, and shall sign his name to every page of the several lists so settled.

XIII. That the senior Judge, or in case of his absence from the kingdom, the next Judge, in the commission of assize for the manner circuit in this year for every county, shall, before the last day of September in this year, appoint so many barristers as the said Judge shall deem necessary to revise the lists of burgesses of every borough in or adjoining to such county; and the town and county of the town of Kingston-upon-Hull shall for this purpose be considered as next adjoining to the county of York, and the town of Berwick-upon-Tweed and town and county of the town of Newcastle-upon-Tyne as next adjoining to the county of Northumberland, and the city and county of the city of Bristol as next adjoining to the county of Somerset; and the said Judge shall have power to appoint one or more barristers to revise the lists for the same borough, and he shall have power to revise the lists of more than one borough; and the barrister so appointed to any borough shall for that purpose, during this year, be in the place and stead of the mayor and assessors of such borough, and shall revise the lists of burgesses in this year in the manner hereinbefore enacted concerning the mayor and assessors in every succeeding year; and it shall be made to appear to the said Judge that for any cause such lists cannot be revised within the period directed by this Act, it shall be lawful for such Judge and he is hereby required to appoint one or more barristers to act in the place of or in addition to those originally appointed; and every such barrister so subsequently appointed shall have the same power as if specially appointed; and every barrister appointed to revise any lists under this Act shall be paid at the rate of 5*l.* 5*s.* for every day that he shall be so employed over and above his travelling and other expenses; and every such barrister, after the termination of his last sitting, shall lay or cause to be laid before the Lords Commissioners of His Majesty's Treasury for the use being a statement of the number of days during which he shall have been so employed in each borough, and an account of the travelling and other expenses incurred by him in respect of such employment; and the said Lords Commissioners shall be in order for the amount to be paid to such barrister out of the Consolidated Fund: Provided nevertheless, that as soon as a council shall be chosen in any borough under the provisions of this Act the said Lords Commissioners shall make an order for the council of such borough for the amount of daily salary hereinbefore enacted to be paid to such barrister during the time that he shall have been employed in revising the lists of such borough; and the council of such borough shall forthwith pay the same to be repaid to the said Lords Commissioners out of the borough fund of such borough; and the same, if not repaid, shall be deemed to be a debt due to His Majesty, and recoverable as such.

XIV. That every person authorized by law to make an affirmation instead of taking an oath shall make such affirmation in any case in which by this Act an oath is required to be taken; and if any person taking any oath required by this Act, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.

XV. That the burgess list so revised and signed as last aforesaid, shall be delivered by the mayor to the town clerk of such borough, who shall keep the same, and shall cause the said burgess lists to be fairly and truly copied into one general alphabetical list in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name, and shall cause such books to be completed on or before the 22nd of October in every year, and shall deliver such books, together with the lists, at the expiration of his office, to the person succeeding him in such office; and every such book in which the said burgess lists shall have been copied shall be the burgess roll of the burgesses of such borough entitled to vote, after the passing of this Act, in the choice of the councillors, electors, and auditors of such borough, as hereinafter mentioned, at any election which may take place in such borough between the 1st of November inclusive in the year wherein such burgess roll shall have been made and the 1st of November in the succeeding year; provided that no stamp duty shall be payable in respect of the admission, registry, or enrolment of any person according to the provisions of this Act.

XVI. That the town clerk of every borough shall cause to be written or printed copies of the burgess roll in every year, and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy; and the proceeds arising from the sale thereof, and of the overseers lists, and of the lists of claims and objections as aforesaid, shall be paid over to the treasurer of such borough, and shall be applied by him in aid of the borough fund hereinafter mentioned.

XVII. That the said council of every borough shall take an account of the reasonable expenses incurred by the overseers of such borough in carrying into effect the several provisions of this Act so far as relates to the said lists, and shall order the treasurer of such borough to pay the same out of the borough fund of the said borough.

XVIII. That in every borough shall be elected, at the time and in the manner hereinafter mentioned, one fit person, who shall be called "The Mayor" of such borough; and a certain number of fit persons, who shall be and be called "Aldermen"

of such borough; and a certain number of other fit persons, who shall be and be called "The Council" of such borough, and councillors for the time being shall be and be called "The Council" of such borough, and the number of elected councillors of such borough shall be the number of persons in that borough such borough in the schedules (A.) and (B.) to this Act named; and the number of councillors shall be one-third of the number of persons so to be elected councillors; and on the first day of January in every third succeeding year, the council for the time being of every borough, shall elect from the councillors persons qualified to be councillors, the aldermen of such borough, or so many as shall be needed to supply the places of those who shall then go out of office according to the provisions hereinafter contained; and that upon the 9th of November in every third succeeding year, one-half of the number appointed as aforesaid to be the whole number of the councillors of every borough shall go out of office; and the councillors immediately after the first election of aldermen shall appoint from among themselves the aldermen who shall go out of office in 1838, and thereafter those who shall go out of office shall always be those who have been aldermen for the longest time without re-election: Provided always, that any aldermen so going out of office shall be forthwith re-elected, if then qualified as herein provided; provided also, that the aldermen so going out of office shall be entitled to vote in the election of a new alderman.

xxvi. That the mayor and aldermen shall, during their respective offices, continue to be members of the corporation, notwithstanding anything hereinafter contained as to councillors going out of office at the end of three years.

xxvii. That whenever any extraordinary vacancy shall take place in the office of alderman of any borough, the such borough shall, within ten days after such vacancy shall occur, on a day to be fixed by the mayor for such purpose, cause some other fit person to fill such vacancy, either from the councillors or from the persons qualified to be councillors; any councillor shall be elected to fill the office of alderman, then the vacancy which will thereby be occasioned, shall be filled up at the time and in the manner hereinafter directed; and every person so elected an alderman to fill an extraordinary vacancy shall hold such office until the time when the person in the room of whom he was chosen would have come out of office, and he shall then go out of office, but may be re-elected if then qualified as herein provided.

xxviii. That no person being in holy orders, or being the regular minister of any dissenting congregation, shall be elected, or to be a councillor of any such borough or an alderman of any such borough, nor shall any person be elected or to be a councillor or an alderman of any such borough who shall not be entitled to be rated to such borough, nor unless he shall be seised or possessed of real or personal estate or both to the following effect to say, in all boroughs directed by this Act to be divided into four or more wards to the amount of £1,000L, or the relief of the poor of such borough upon the annual value of not less than 30L, and in all boroughs directed to be divided into less than four wards, or which shall not be divided into wards, to the amount of 500L, or be rated to the relief of such borough upon the annual value of not less than 15L, or during such time as he shall hold any office to such other than that of mayor, in the gift or disposal of the council of such borough, or during such time as he shall be or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council; provided that no person shall be disqualified from being a councillor or alderman of any borough by reason of his being a proprietor or shareholder of any company which shall contract with the council of such borough for the supply of water or insuring against fire any part of such borough.

XXIX. That every burgess of any borough who shall be enrolled on the burgess roll for the time being of such borough shall be entitled to vote in the election of councillors and of the auditors and assessors hereinafter mentioned for such borough, and no person who shall not be enrolled in such burgess roll for the time being shall have any voice or be entitled to such election.

xxx. That upon the 1st of November in every year the burgesses so enrolled in every borough shall openly select from the persons qualified to be councillors the councillors of such borough, or such part of them as shall be necessary to supply the places of those who shall then go out of office: Provided nevertheless, that whenever any day by this Act appointed for any such election shall happen on a Sunday, in every such case the business so appointed to be done shall be done on the Monday following.

xxx. That upon the 1st of November 1836, and in every succeeding year, one-third part of the number appointed to be the whole number of the councillors of every borough shall go out of office; and in the said year 1836 shall go out of office shall be the councillors who were elected under the provisions of this Act by the smallest number of votes in this present year, and in the next year, 1837, those who shall so go out of office shall be the councillors elected under the provisions of this Act by the next smallest numbers of votes in this present year, the majority of the council always determining, when the votes for any such persons shall have been equal, who shall be the persons to go out of office; and thereafter those who shall so go out of office shall always be the councillors who have been for the longest time in office without re-election: Provided always, that any councillor so going out of office shall be capable of being re-elected, if then qualified, as herein provided.

XVIII. That every election of councillors within any borough according to the provisions of this Act shall be by ballot and measures for the time being of such borough, except as herein is excepted; and the voting of every elector shall commence at 9 o'clock in the forenoon, and shall finally close at 4 o'clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every burgess entitled to vote in the election of councillors shall be entitled to a number of persons not exceeding the number of councillors then to be chosen, by delivering to the mayor or other presiding officer as hereinafter mentioned a voting paper, containing the christian names and surnames of the persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the elector, and with the name of the street, lane, or other place in which the property for which he is entitled to vote is situated.

XXIII. That in every election in any borough, the mayor, if it shall appear to him expedient for taking the poll at such place, may cause booths to be erected, or rooms to be hired and used as such booths, for different parts of such borough, whether so situated either in one place or in several places, and shall be so divided and allotted into compartments as to the utmost advantage most convenient: and the mayor shall appoint a clerk to take the poll at each compartment, and shall cause to be written on the most conspicuous part of each of the said booths the names of the parts for which such booth is respectively allotted; and no person shall be admitted to vote at any such election except at the booth allotted for the part wherein the house, warehouse, counting-house, or shop occupied by him as described in the burgess roll may be; but in case no booth shall happen to be provided for any particular part as aforesaid the votes of the persons voting in respect of property situate in any part so omitted may be taken at any of the said booths; and public notice of the situation, division, and allotment of the different booths shall be given two days before the commencement of the poll by the mayor; and in case the booths shall be situated in different places the mayor may appoint a deputy to preside at each place: Provided also, that no election shall be holden under this Act in any church, chapel, or other place of public worship.

XXIV. That no inquiry shall be permitted at any election as to the right of any person to vote as a burgess in any borough, except only as follows; (that is to say,) that the mayor or other presiding officer shall, if required by any two burgesses entitled to vote in the same borough, put to any voter at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other:

1. Are you the Person whose Name is signed as A. B. to the Voting Paper now delivered in by you?
2. Are you the Person whose Name appears as A. B. on the Burgess Roll now in force for this Borough, being registered therein as rated for Property described to be situated in *described in the Burgess Roll.* ? [Here specify the Street, &c., as]
3. Have you already voted at the present Election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid he shall be deemed guilty of a misdemeanour, and may be indicted and punished accordingly.

XXV. That the mayor and assessors shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are elected; and so many of such persons, being equal to the number of persons that to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more persons, the mayor and assessors, or any two of them, shall name from amongst those persons for whom the number of votes shall be equal so many as shall be necessary to complete the requisite number of persons to be chosen; and the mayor shall cause the voting papers to be kept in the office of the town clerk during six calendar months at the least after every such election; and the town clerk shall permit any burgess to inspect the voting papers of any year, on payment of 1s. for every search; and the mayor shall publish a list of the names of the persons so elected not later than 1 o'clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the Monday following.

XXVI. That if the mayor of any borough shall, at the time when it shall be necessary to execute the powers and duties herein provided with respect to elections, be dead, absent, or otherwise incapable of acting, the council of such borough shall forthwith elect one of the aldermen to execute all such powers and duties in the place of the mayor; provided that in the first election of councillors and of auditors and assessors, as hereinafter provided, the mayor alone shall act with all the powers and duties hereinbefore enacted concerning the mayor and assessors jointly in such elections.

XXVII. That on the 1st of March 1836, and in every succeeding year, the burgesses of every borough shall elect from the persons qualified to be councillors by a majority of votes, two burgesses, who shall be and be called auditors of such borough, and two burgesses, who shall be and be called assessors of such borough; and every such auditor and assessor shall continue in office until the 1st of March in the year following his election; and the election of such auditors and assessors respectively shall be in form and manner hereinbefore provided for the election of councillors: Provided nevertheless, that in every such election of auditors or assessors no burgess shall vote for more than one person to be an auditor or assessor: Provided also, that no burgess shall be eligible to be or be elected such auditor or assessor as aforesaid who shall be of the council, or the town clerk or treasurer of such borough.

XXVIII. That after the declaration of the first election of the councillors under the provisions of this Act in any borough, the mayor, aldermen, and common councilmen, and all other members of the common council or governing body of the body corporate named in conjunction with such borough in the said Schedules (A.) and (B.), by whatever name or style they may be known or called, then in office, shall go out of office, and their whole powers and duties shall cease: Provided nevertheless, that any of the persons so going out of office shall be eligible to be elected and appointed under the provisions of this Act: Provided also, that such persons as are Justices of the Peace in any borough at the time of passing this Act shall continue to hold and exercise all the powers which at the time of passing this Act they have as Justices of the Peace, until the 1st of May next, and no longer: Provided also, that in every borough in which, by statute, charter, bye law, or custom, any election is to be holden between the day of the passing of this Act and the 1st of May next, both inclusive, no such election shall be holden, but every person holding office in any borough on the day of the passing of this Act shall continue to hold and exercise all the powers, and be subject to all the duties, and be entitled to the same salary and fees of such office as he should have had and been if elected to such office between the day of the passing of this Act and the said 1st of May: Provided that nothing herein provided by this Act for him to go out of office; any statute, charter, bye law, or custom notwithstanding.

XXIX. That it is expedient that certain boroughs of large population should be divided into wards before any election of councillors for such boroughs should take place:—

It is Enacted,

XXXIX. That every borough in the said Schedule (A.) shall be divided into the number of wards mentioned in such Schedule in conjunction with the name of such borough; and that it shall be lawful for the barrister or barristers appointed in pursuance of the provisions hereinbefore contained to revise the burgess and councillors lists of any borough in the present year, and as they is and are hereby required within the space of six weeks next after the passing of this Act to determine and set out the extent, limits, and boundary lines of such wards, and what portions of such borough shall be included therein respectively; and the copy of the particulars of such division shall be forthwith transmitted to one of His Majesty's principal Secretaries of State, and, if His Majesty by advice of his Privy Council shall approve such determination, shall be published in the London Gazette, and another copy of such particulars shall be delivered to the town clerk of such borough, to be by him safely kept among the public documents of such borough; and every such borough shall, after such publication as aforesaid, be deemed to be divided into such wards as shall be so determined and set out as aforesaid, and such division shall continue and be in force until the same shall be altered by authority of Parliament: Provided always, that if His Majesty, by advice of his Privy Council, shall not approve such determination, such publication as aforesaid shall nevertheless be made, and such division be in force for the purpose of any election under the provisions of this Act, and until such time as His Majesty shall by advice of his Privy Council, upon further information and report from such barristers, definitively approve the division of such borough into wards in manner hereinbefore mentioned.

XL. That the said barrister or barristers shall, after the division of the borough into such number of wards as is directed by this Act, apportion among the several wards of such borough the number of councillors mentioned in conjunction with the name of such borough in the said Schedule (A.); and in assigning the number of councillors to each ward the said barrister or barristers shall, as far as in his or their judgment he or they may deem it to be practicable, have regard as well to the number of persons rated to the relief of the poor in such ward as to the aggregate amount of the sums at which all the said persons shall be so rated: Provided always, that the number of councillors assigned to each ward shall be a number divisible by three; and a copy of the particulars of the number of councillors so assigned to the several wards of the borough shall be forthwith transmitted to one of His Majesty's principal Secretaries of State, and, subject as aforesaid to the approval of His Majesty, by the advice of his Privy Council, shall be published in the London Gazette, and another copy of such particulars shall be delivered to the town clerk of the borough, to be by him safely kept among the public documents of such borough; and the number of councillors so assigned to each ward of such borough shall, after such publication as aforesaid, be the number to be elected in such ward, and shall so continue until the same shall be altered by authority of Parliament: Provided always, that if His Majesty, by the advice of his Privy Council, shall not approve the number of councillors so assigned to each ward, such publication shall nevertheless be made, and the number of councillors so assigned to each ward of such borough by such barristers shall be the number to be elected in each ward at any election of councillors under this Act until such time as His Majesty shall by advice of his Privy Council, upon further information and report from such barrister, definitively approve such assignment in manner hereinbefore mentioned.

And after reciting that it may be convenient in divers boroughs to adhere in the division of the same into wards to the ancient division thereof into parishes or into districts under any local Act, or to adapt such division to local circumstances, and such division so made might render difficult such apportionment of councillors as is hereinbefore directed:—

It is Enacted,

XLI. That in every such case the said barrister or barristers shall be empowered, at his or their discretion, subject as aforesaid to the approval of His Majesty by the advice of his Privy Council, to divide any borough in conjunction with the name of which, in the said Schedule (A.), shall be mentioned any number of wards greater than two, into any number of wards more or less by one than the number of wards mentioned in conjunction with the name of such borough in the said Schedule.

XLII. That the said barrister or barristers shall have power to require any overseer or person having the custody of any book containing any rate made for the relief of the poor, in any parish wholly or in part within any borough to be divided into wards, to produce such book before and allow the same to be inspected by the said barrister or barristers; and the said barrister or barristers shall have power to administer an oath to the overseers and to all other persons, who are hereby required to answer upon oath all such questions as the said barrister or barristers may put to them or any of them touching any matter which the said barrister or barristers may deem necessary for enabling them to execute the duties by this Act imposed upon them.

XLIII. That in every case in which there shall be a division into wards of any borough, the burgesses of every such ward, and none others, shall on the day fixed for the first election of councillors separately elect from the persons qualified to be councillors the whole number of councillors assigned to such ward respectively, and on the 1st of November in any subsequent year shall separately elect from the persons qualified to be councillors one third part of the whole number of councillors assigned to such ward, and on the 1st of March next after the first election of councillors in such ward, and in every subsequent year, shall separately elect from the persons qualified to be councillors two assessors for such ward; and every such ward election first after such division into wards of any such borough shall be held before the mayor, or the person whom the mayor for the time being shall appoint in that behalf, and in every succeeding year shall be held before the alderman whom the councillors chosen in such ward shall yearly appoint in that behalf and before the two assessors of such ward; and the assessors who shall hold the court for revising the burgess lists with the mayor shall be the assessors of the mayor's ward, and the voters and other proceedings in all other respects at such ward elections shall be conducted in the same manner as at elections of councillors or assessors respectively by the burgesses of the whole borough, and the alderman and assessors of each ward shall have the same powers in regard to elections in their ward as the mayor and assessors for the whole borough if not divided into wards; and every person so elected a councillor or assessor in such ward shall hold his office for the same time that he would have held it if he had been elected by the burgesses of the whole borough and if the number elected in such ward had been the whole number for the borough.

XLV. That every burgess of any borough shall be entitled to vote in the election of the councillors and assessors to be chosen within that ward in which the property of such burgess for which he appears to be rated on the burgess roll for the time being of such borough shall appear to be situated, and not otherwise; and if any burgess shall be rated in respect of distinct premises in two or more wards, then he shall be entitled to be enrolled and to vote in such one of the said wards as he shall elect, but not in more than one.

XLVI. That for the purpose of better ascertaining who are the burgesses of any such ward the burgess roll of every borough so divided into wards shall thenceforward be made out, by or under the direction of the town clerk, in alphabetical lists of the burgesses in each ward, to be called the "Ward Lists."

XLVII. That if at any election of councillors or assessors for any borough any person who shall be elected a councillor or assessor in more than one of the wards of such borough, he shall within three days after notice thereof choose, or in his default the mayor shall declare, for which one of the said wards such councillor or assessor shall serve, and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the mayor shall so declare.

XLVIII. That if any extraordinary vacancy shall be occasioned in the office of councillor, auditor, or assessor for any borough, the burgesses entitled to vote shall on a day to be fixed by the mayor of such borough, or in the case of a councillor or assessor, where the borough shall have been divided into wards, by the alderman of the ward in which the vacancy has happened, (such day not to be later than ten days after such vacancy,) elect from the persons qualified to be councillors another burgess to supply such vacancy; and such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted in the same manner and subject to the same provisions as are hereinbefore enacted with respect to the election of councillors as aforesaid; and every person so elected shall hold such office until the time at which the person in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election if then qualified as herein provided: Provided always, that after the full number to be regularly elected of the councillors in any year shall have declared their acceptance of office no new election of councillors shall be made by reason of such extraordinary vacancy, unless the number of councillors remaining after such vacancy shall not exceed two thirds of the whole number of the council of such borough.

XLIX. That if any mayor, alderman, or assessor of any borough who shall be in office at the time herein appointed for the session, by them of the burgess list under this Act, or for any election of councillors, assessors, or auditors which he is required to conduct or declare, shall neglect or refuse to revise such burgess list, or to conduct or declare such election as aforesaid, every such mayor, alderman, and assessor shall for every such offence forfeit and pay the sum of 100*l.*; and if any overseer of any parish, wholly or in part within any borough shall neglect or refuse to make out, sign, and deliver such list as aforesaid, or if the town clerk of any borough shall neglect or refuse to receive, print, and publish such lists as aforesaid, or if any such overseer or town clerk shall refuse to allow any such list to be perused by any person having a right thereunto, every such overseer and town clerk respectively for every such offence shall forfeit and pay the sum of 50*l.*; and the said penalties hereby in such case imposed shall be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of His Majesty's superior courts of record; and the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows: (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this Act, to be by him applied in aid of the borough fund hereinafter mentioned.

L. That on the 9th of November in every year the council of the borough shall elect out of the aldermen or councillors of such borough a fit person to be the mayor of such borough, who shall continue in his office for one whole year; and in any vacancy shall be occasioned in the office of mayor of the borough during such year by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the council of the borough shall within ten days after such vacancy elect out of the aldermen or councillors of the said borough another fit person to be the mayor thereof for the remainder of the then current year.

L. That no person elected a mayor, alderman, or councillor, or auditor or assessor, for any borough, shall be capable of acting as such, except in administering the declaration hereinafter contained, until he shall have made and subscribed before any two or more such aldermen or councillors (who are hereby respectively authorized and required to administer the same to each) a declaration in the words or to the effect following; (that is to say,)

I, A.B., having been elected Mayor [or Alderman, Councillor, Auditor, or Assessor] for the Borough of _____ do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the Duties thereof according to the best of my Judgment and Ability; [and in the Case of the Party being qualified by Estate say, and I do hereby declare that I am seised or possessed of Real or Personal Estate, or both, [as the Case may be,] to the amount of One thousand Pounds or Five hundred Pounds, as the Case may require, over and above what will satisfy all my Debts].'

And that every alderman who shall have made and subscribed the foregoing declaration in respect of estate shall once in every year, if required in writing so to do by any two members of the council, make and subscribe a declaration that he is qualified to the same amount in real or personal estate, or both, as the case may then be, as the amount mentioned in the declaration originally made and subscribed by him: Provided always, that nothing in this Act contained shall be construed to diminish the obligation of any person to make and subscribe the declaration provided and enjoined by an Act, 9 Geo. 4. c. 12, intitled, 'An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments.'

L. That every person duly qualified who shall be elected to the office of alderman, councillor, auditor, or assessor, and every councillor who shall be elected to the office of mayor, for any borough, shall accept such office to which he shall have been elected, or shall in lieu thereof pay to the mayor, aldermen, and burgesses of such borough such fine not exceeding 50*l.* in case of aldermen, councillors, auditors, or assessors, and such fine not exceeding 100*l.* in case of mayor, as the council of such bo-

by a by-election to be made as hereinafter provided shall declare in that behalf; and such fine shall be paid by the person so elected by the warrant of any Justice having jurisdiction within the borough, who is hereby required on the application of the person so elected to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept office, with the reasonable charges of such distress; and every such person so elected shall accept such office by making and subscribing the declaration hereinbefore mentioned within five days after notice of his election, otherwise such person shall be liable to pay the said fine as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant and shall be filled up by a fresh election to be made in the manner hereinbefore mentioned: Provided always, that no person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body, shall be liable to such fine as aforesaid: Provided also, that every person so elected to any such office who shall be above the age of sixty-five years, or who shall have already served such office respectively, or paid the fine for not accepting such office respectively, within five years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office if he shall claim such exemption within five days after notice of his election: Provided always, that nothing in this Act contained shall extend to compel the acceptance of any office or duty whatever in any borough by any military, naval, or marine officer in His Majesty's service on full pay, or by any officer or other person employed and residing within any of His Majesty's dockyards, victualling establishments, arsenals, or barracks.

LII. Provided, That if any person holding the office of mayor, alderman, or councillor for any borough shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors, or, being mayor, shall be absent for more than two calendar months, or, being an alderman or councillor, for more than six months, at one and the same time, (unless in case of illness), from the borough of which he shall be mayor, alderman, or councillor, then and in every such case such person shall thereupon immediately become disqualified and shall cease to hold the office of such mayor, alderman, or councillor as aforesaid, and in the case of such absence shall be liable to the same fine, to be recovered in the same manner, as if he had refused to accept the said office, and the council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of three or more of them, countersigned by the town clerk, to be affixed in some public place within the borough, and the said office shall thereupon become void; but every person so becoming disqualified and ceasing to hold such office on account of his being declared a bankrupt, or of his applying to take the benefit of any Act for the relief of insolvent debtors, or having compounded with his creditors as aforesaid, shall, on obtaining his certificate or on payment of his debts in full, be capable (if otherwise qualified) of being re-elected to such office, and every person becoming disqualified to hold such office on account of absence as aforesaid shall on his return to such borough be capable of being re-elected to such office, provided he shall then be otherwise qualified.

LIII. That if any person shall act as mayor, alderman, or councillor, or auditor or assessor, for any borough, without having made the declaration hereinbefore required in that behalf, or without being duly qualified at the time of making such declaration, or after he shall cease to be qualified according to the provisions of this Act, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of 50L, such sum to be recovered, with full costs of suit, by any person who will sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in any of His Majesty's superior courts of record; and every person so sued by reason of not being so qualified in respect of estate shall prove that he was at the time of so acting qualified as aforesaid, or otherwise shall pay the said penalty, without any further evidence being given on the part of the plaintiff than that such person has acted as the mayor, or as alderman, councillor, auditor, or assessor (as the case may be) of such borough: Provided always, that it shall be lawful for any defendant, by Judge's order to be obtained within fourteen days after he shall have been served with process in any such action, to require the plaintiff to give security for costs; and in such case all further proceedings in the said action shall be stayed until the plaintiff shall give security to the satisfaction of the proper officer of the court for the costs of such action in case a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff; and the defendant shall in either of such cases recover his full costs as between attorney and client: Provided also, that no such action shall be brought except by a burgess of such borough, nor unless the burgess bringing the same shall, within fourteen days after the commission of the offence, have served a notice in writing personally upon the party committing such offence of his intention to bring such action; and in case the plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; (that is to say,) one moiety thereof to the person so suing, and the other moiety thereof to the treasurer to be appointed by virtue of this Act, to be by him applied in aid of the borough fund: Provided always, that all acts and proceedings of any person in possession of the office of mayor, alderman, councillor, auditor, or assessor, and acting as a mayor, alderman, councillor, auditor, or assessor, shall, notwithstanding such disqualification or want of qualification, be as valid and effectual as if such person had been duly qualified.

LIV. That if any person who shall have or claim to have any right to vote in any election of mayor, or of a councillor, auditor, or assessor of any borough, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself or any person employed by him, shall, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of 50L of lawful money of Great Britain, to be recovered, with full costs of suit, by any person who shall sue for the same, by action of debt, bill, plaint, or information in any of His Majesty's courts of record at Westminster; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in such borough, or in any municipal or parliamentary election whatever in any part of the United Kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any office or franchise to which he then shall or at any time afterwards, may be entitled as a burgess of such borough, as if such person was naturally dead.

LV. That if any person offending in any of the cases aforesaid shall, within the space of twelve months next after such offence,

and shall discover any other person offending in any of the cases aforesaid, so that such other person be thereon convicted, such person so discovering, and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

IX. Provided, That no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this Act imposed in any of the cases aforesaid, unless prosecution be commenced within two years after such incapacity, disability, forfeiture, or penalty shall be incurred, anything herein contained to the contrary notwithstanding.

X. That the mayor for the time being of every borough shall be a Justice of the Peace of and for such borough, and shall continue to be such Justice of the Peace during the next succeeding year after he shall cease to be mayor, unless disqualified as aforesaid; and such mayor shall, during the time of his mayoralty, have precedence in all places within the borough, and in boroughs which return a member or members to serve in Parliament, other than the town of Berwick-upon-Tweed, and other than cities and towns which are counties of themselves, shall be the returning officer at all such elections; and in case the mayor shall, at the time when he shall be required to perform the duties of such returning officer, be dead, absent, or otherwise incapable of acting, or in case there shall be no mayor, the council of such borough shall forthwith elect one of the aldermen to be the returning officer for such borough in the place of the mayor being so dead, absent, or otherwise incapable: Provided always, that in every case where there shall be more than one mayor within the boundaries of any borough as the same are or shall at any future time be settled in so far as respects the election of members to serve in Parliament the mayor of that borough to which the writ of election shall be directed shall be the returning officer.

XI. That the council of every borough, on the 9th of November in this present year, shall appoint a fit person, not being a member of the council, to be the town clerk of such borough, who shall hold his office during pleasure; and in any borough may be an attorney of one of His Majesty's superior courts at Westminster, any law, statute, charter, or usage to the contrary notwithstanding; and the council of every borough shall in every year appoint another fit person, not being a member of the council, to be the treasurer of the borough, and also such other officers as have been usually appointed in such borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary to be re-appointed; and shall take such security for the due execution of his office by any such town clerk, treasurer, or other officer, as the said council shall think proper; and shall order to be paid to the mayor, and to the town clerk and treasurer, and to every such other officer to be employed as aforesaid, such salary or allowance as the said council shall think reasonable: and in case of a vacancy in any such office as aforesaid by death, resignation, removal, or otherwise, the council of such borough may appoint another fit person in the place of the person so making such vacancy; provided that the town clerk and treasurer shall not be the same person.

XII. That the treasurer of any borough shall pay no money on account of the mayor, aldermen, and burgesses of such borough, save only in such cases as is provided by this Act, or upon the order in writing of the council, signed by three or more members of the council, and countersigned by the town clerk of such borough, or by order of the Court of Sessions of the Peace for the borough, or of a Justice of the Peace acting in and for the borough in the discharge of his judicial duty, in such cases as is provided by this Act, or in such case as a Court of Sessions of the Peace for any county, or a Justice of the Peace acting in and for a county in the discharge of his judicial duty, may make an order for the payment of money on the treasurer of such county, or for the payment of the salaries granted to any recorder or police magistrate as hereinafter provided.

XIII. That every town clerk, treasurer, or other officer appointed by the council as aforesaid shall, at such times during the continuance of his office, or within three months after the expiration of his office, and in such manner as the said council shall direct, deliver to the council, or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, and also of all monies which shall have been by him received by virtue of or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such officer shall pay all such monies as shall remain due from him to the treasurer for the time being, or to such person as the said council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said council, or to such person as they shall authorize, within three days after being thereunto required by notice in writing under the hands of any three or more of the said council, to be given to or left at the last place of abode of such officer, all books, papers, and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the county or other jurisdiction wherein such officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such officer before any two Justices of the Peace for such county or jurisdiction; and upon the said officer appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such officer, such Justices may and they are hereby authorized and required, upon nonpayment thereof, by warrant under their hands and seals to cause such monies to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or such list as aforesaid, or that any books, papers, or writings relating to the execution of this Act remain in the hands or in the custody or power of such officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such offender to the common goal or house of correction for the county or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said council for such monies, and shall

have paid such composition in such manner as they shall appoint, (which composition the said council are hereby empowered to make and receive,) or until he shall have delivered a true account as aforesaid, together with such vouchers and lists as aforesaid, or until he shall have delivered up such books, papers, and writings, or have given satisfaction in respect thereof, to the said council, or to such other person as aforesaid, as the case may be: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months; provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer, but such officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause.

LXI. That in the city of Oxford, in the town of Berwick-upon-Tweed, and in the counties of the cities of Bristol, Canterbury, Chester, Coventry, Exeter, Gloucester, Lichfield, Lincoln, Norwich, Worcester, and York, and in the counties of the towns of Caermarthen, Haverfordwest, Kingston-upon-Hull, Newcastle-upon-Tyne, Nottingham, Poole, and Southampton, the council shall on the 1st of November in every year appoint a fit person to execute the office of sheriff, with the like duties and powers as the sheriff or the person filling the office of sheriff in the said town and counties respectively would have had if this Act had not passed; and every person who, at the time of the passing of this Act, shall hold the office or execute the duties of sheriff in the said town and counties respectively shall continue to hold and execute the same until the first appointment of a sheriff therein under the provisions of this Act, and no longer.

LXII. That the council of every borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is hereinafter provided, shall, within ten days next after the grant of the said court shall have been signified to the council of such borough, appoint a fit person, not being an alderman or councillor, to be coroner of such borough so long as he shall well behave himself in his office of coroner, and shall fill up every vacancy of the office of coroner of the borough, by death, resignation, or removal, within ten days next after such vacancy shall have occurred, and none thereafter shall take any inquisition which belongs to the office of coroner within such borough save only the coroner so from time to time to be appointed; and every such coroner, for every inquisition which he shall duly take within such borough, shall be entitled to have the sum of 20s., and also the sum of 9d. for every mile exceeding two miles which he shall be compelled to travel from his usual place of abode to take such inquisition, to be paid by the treasurer out of the borough fund of such borough, by order of the Court of Quarter Sessions for such borough.

LXIII. That on or before the 1st of February in every year after the passing of this Act every coroner appointed in any borough shall make and transmit to one of His Majesty's principal Secretaries of State a return in writing, according to such form as the said Secretary of State from time to time shall direct, of all the cases in which he may have been called upon to hold an inquest touching the cause of death of any person during the year ending on the 31st of December immediately preceding.

LXIV. That in every borough in and for which no separate Court of Quarter Sessions of the Peace shall be holden no person from and after the end of this present year shall take any inquisition which belongs to the office of coroner within such borough, save only the coroner for the county or district in which such borough is situated; and the coroner of such county or district, for every inquisition which he shall duly take within any place or precinct within any such borough, shall be entitled to have such rateable fees and salaries as would be allowed and due to him, and to be allowed and paid in like manner as for any other inquisition taken by him within such county: Provided always, that nothing in this Act contained shall extend or be construed to equal, diminish, or affect the authority of the Lord High Admiral, or of the Commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being, or of the Judge of the High Court of Admiralty of England, as the Lieutenant of the Lord High Admiral in the said court, to appoint coroners to act within the jurisdiction of the Admiralty in the several ports and havens and on the sea coast of England, and to take inquisitions touching deaths happening within the said jurisdiction, as hath heretofore been done.

LXV. That the council elected under this Act in any borough shall have power to remove from his office every bailiff, treasurer, or chamberlain, and every other ministerial or executive officer of such borough and body corporate who shall be in office at the time of the first election of councillors under this Act; and every such bailiff, treasurer, or chamberlain, and every other ministerial or executive officer in such borough, shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees, and emoluments as he would have had if this Act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this Act; and every officer who shall be in possession or receipt of any monies, goods, valuable securities, books, and papers belonging to or concerning the body corporate whose officer he is shall deliver up and account for the same to the council of such body corporate appointed under this Act; and the council shall have the same remedy against such officer to recover the same as is hereinbefore provided in the case of officers appointed by such council: Provided always, that all the charters, deeds, muniments, and records of every borough, or relating to the property thereof, shall be kept in such place as the council from time to time shall direct, and the town clerk for the time being shall have the charge and custody of and be responsible for the same.

LXVI. That every officer of any borough or county who shall be in any office of profit at the time of the passing of this Act, whose office shall be abolished, or who shall be removed from his office under the provisions of this Act, or who shall cease to be reappointed as aforesaid, shall be entitled to have an adequate compensation, to be assessed by the council, and paid out of the borough fund, for the salary, fees, and emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case; and every person entitled to such compensation as aforesaid shall deliver to the town clerk, or in case such person shall himself be town clerk then to the treasurer of the borough, a statement under the hand of such person setting forth the amount received by him or his predecessors in every year during the period of five years next before the passing of this Act on account of the salary, fees, emoluments, profits, and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, situation, employment, or appointment in respect whereof the same shall have been received, and containing a declaration

that the same is a true statement according to the best of the knowledge, information, and belief of such person, and also setting forth the sum claimed by him as such compensation; and the town clerk or treasurer, as the case shall be, shall lay such statement before the council, who shall take the same into consideration, and determine thereon; and immediately upon such determination being made the person preferring such claim, if he shall not himself be the town clerk, shall be informed thereof by notice in writing under the hand of the town clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and, in case the person preferring such claim shall think himself aggrieved by the determination of the council thereon, or in case one third of the members of the council shall subscribe a protest against the amount of compensation allowed by the determination of the council as excessive, it shall be lawful for the person preferring such claim, or any member of the council who shall subscribe such protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by three or more of such Lords Commissioners, shall be binding on all parties: Provided always, that if the council shall not determine on such claim within six calendar months after the aforesaid statement shall be delivered to the town clerk or treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, that it shall not be lawful for any member of the council to subscribe such protest as aforesaid except within such period of six calendar months: Provided also, that the person preferring such claim, if any member of the council shall so require, upon receiving notice in writing signed by the town clerk, unless such person shall himself be town clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the council for the investigation of such claim, and then and there, upon his oath or solemn affirmation, to be taken or made before the mayor, (who is hereby authorized to administer the same,) shall answer all such questions as shall be asked by any member of the council touching the matters set forth in the statement subscribed by such person as aforesaid, and produce all books, papers, and writings in his possession, custody, or power relating thereto: Provided also, that every such officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

LXXVII. That the sum payable to any person as such compensation as aforesaid shall be secured to such person by bond or obligation under the common seal of the borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors or administrators or assigns, of such sum, with all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the borough fund, and delivered to the person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the council of the borough; or shall have been determined, in the event of such appeal as aforesaid, by the order of the said Lords Commissioners.

LXXVIII. That all pensions and allowances granted on or before the 5th of June in this present year, by the corporate body named in the said Schedules (A.) and (B.) in conjunction with any borough, to any retired officer or servant, or to the widow or child of any officer or servant, and all stipends and allowances which during seven years next before the said 5th of June have been usually paid and granted to the minister or late minister of any church or chapel, or to the master or usher of any school, or to the governor or master of any hospital within such borough, and all charitable allowances which have been usually paid as aforesaid to the inmates of any almshouses by such corporate body, shall be secured, as soon as conveniently may be for the passing of this Act, to every person entitled or accustomed to have and receive the same, by bond or obligation under the common seal of the borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors and administrators, of such pension, stipend, or allowance, with all arrears thereof, if any, accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the borough fund.

LXXIX. That all acts whatsoever authorized or required by virtue of this Act to be done by the council of such borough, and all questions of adjournment or others that may come before such council, may be done and decided by the majority of the members of the council who shall be present at any meeting held in pursuance of this Act, the whole number present at such meeting not being less than one third part of the number of the whole council; and at all such meetings the mayor, if present, shall preside; and the mayor, or, in the absence of the mayor, such alderman, or in the absence of all the aldermen, such councillor of the members of the council then assembled shall choose to be the chairman of that meeting, shall have a second or casting vote in all cases of equality of votes; and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the mayor, alderman, or councillor presiding at such meeting; and the said minutes shall be open to the inspection of any burgess at all reasonable times on payment of a fee of 1s.: Provided always, that previous to any meeting of the council held by virtue of this Act a notice of the time and place of such meeting shall be given three clear days at least before such meeting, by fixing the said notice on or near the door of the town hall of the borough; and such notice shall be signed by the mayor, who shall have power to call a meeting of the council as often as he shall think proper; and in case the mayor shall refuse to call any such meeting or a requisition for that purpose signed by five members of the council at the least shall have been presented to him, it shall be lawful for the said five members to call a meeting of the council by giving such notice as is hereinbefore required in that behalf, such notice to be signed by the said members instead of the mayor, and stating therein the business proposed to be transacted at such meeting; and in every case a summons to attend the council, specifying the business proposed to be transacted at such meeting, signed by the town clerk, shall be left at the usual place of abode of every member of the council or at the premises in respect of which he is enrolled a burgess, three clear days at least before such meeting; and no business shall be transacted at such meeting other than is specified in the notice: Provided always, that there shall be in every borough four quarterly meetings in every year at which the council shall meet for the transaction of general business, and no notice shall be given of the business to be transacted on such quarterly days; and the said quarterly meetings shall be holden at or on the 9th of November, or if the 9th of November shall fall on a Sunday on the day following, and at such hour on such

other three days before the 1st of November then next following as the council at the quarterly meeting in November shall decide; and the first business transacted at the quarterly meeting in November shall be the election of mayor.

LXX. That it shall be lawful for the council of any borough to appoint out of their own body, from time to time, such and so many committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which, in the discretion of such council, would be better regulated and managed by means of such committees: Provided always, that the acts of every such committee shall be submitted to the council for their approval.

And after reciting that divers bodies corporate now stand seized or possessed of sundry hereditaments and personal estate, in trust, in whole or in part, for certain charitable trusts, and it is expedient that the administration thereof be kept distinct from that of the public stock and borough fund;—

It is Enacted,

LXXI. That in every borough in which the body corporate, or any one or more of the members of such body corporate, in his or their corporate capacity, now stands or stand solely, or together with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate seized or possessed for any estate or interest whatsoever of any hereditaments or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest, and title, and all the powers of such body corporate, or of such member or members of such body corporate, in respect of the said uses and trusts, shall continue in the persons who at the time of the passing of this Act are such trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which before the passing of this Act they were such trustees, until the 1st of August 1836, or until Parliament shall otherwise order, and shall immediately thereupon utterly cease and determine: Provided always, that if any vacancy shall be occasioned among the charitable trustees for any borough before the said 1st of August, it shall be lawful for the Lord High Chancellor or the Commissioners of the Great Seal for the time being, upon petition, in a summary way, to appoint another trustee to supply such vacancy; and every person so appointed a trustee as last aforesaid shall be a trustee until the time at which the person in the room of whom he was chosen would regularly have ceased to be a trustee, and he shall then cease to be a trustee: Provided also, that if Parliament shall not otherwise direct, on or before the said 1st of August 1836, the Lord High Chancellor or the Commissioners of the Great Seal shall make such orders as he or they shall see fit for the administration, subject to such charitable uses or trusts as aforesaid, of such trust estates.

LXXII. That the body corporate named in the said Schedules (A.) and (B.) in conjunction with any borough shall be trustees for executing by the council of such borough the powers and provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable uses and trusts), and of all trusts (other than charitable uses and trusts) of which the said body corporate, or any of the members thereof in their corporate capacity, was or were sole trustee before the time of the first election of councillors in such borough under this Act.

LXXIII. That in every borough in which the body corporate, or a particular or limited number, class, or description of members of the body corporate, or of persons appointed by the body corporate, was or were, before the passing of this Act, trustees jointly with other trustees for the execution of any Act of Parliament, or of any trust, or in which the body corporate, or any particular or limited number, class, or description of members or nominees of the body corporate, by any statute, charter, or law, or custom was or were before the passing of this Act lawfully appointed to or exercised any powers, duties, or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this Act, the council of such borough, on the day named in such Act as last aforesaid, or in the deed or will by which such trust was created for a new election, nomination, or appointment of trustees, or on which such new election, nomination, or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the 1st of January in the next year,) shall appoint the like number of members of the council, or as near as may be to the like number of members of the council, as there were theretofore members or nominees of such corporate body who in right of their office were such trustees or charged with the execution of such powers, duties, and functions, in room of the members or nominees of such corporate body ceasing to be trustees, or ceasing to exercise such powers, duties, and functions by virtue of this Act; and in the case of extraordinary vacancy among the trustees or persons so appointed by the council shall forthwith appoint one or more member of the council in the room of the person by whom such vacancy has been made, and to hold his trust or office for as long time as the person by whom such vacancy has been made would regularly have held it.

LXXIV. That notwithstanding anything in this Act contained, every member of any body corporate who in his corporate capacity, and every nominee of any body corporate or any particular number, class, or description of members of such body corporate who at the time of the passing of this Act shall be for a definite number of years or other shorter time a trustee of such Act or trust as last aforesaid, shall continue to be such trustee until the time when he would have ceased to be such trustee if this Act had not passed; and if a trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such body corporate, then until the 1st of January 1836, and no longer; and every member of the council appointed under the provisions of this Act to be a trustee of such acts or trusts as last aforesaid shall continue to be such trustee until the time herein provided for the new appointment of a member of the council to be trustee in his room, notwithstanding that he may have ceased to be a member of the council; and in case any particular member or officer of any of the said bodies corporate shall have been appointed by any such Act, or by any such trust deed or will as last aforesaid, to perform a particular number of years or other shorter time any specific powers, duties, or functions whatsoever, the person who at the time of the passing of this Act shall be the person designated and qualified to perform the same shall continue to perform the same for as long time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite time for life, or for so long as he shall be a member, or of a particular class or description of such body corporate, then until the 1st of January 1836 and no longer: Provided nevertheless, that nothing in this Act shall be construed to discontinue the trustees of the Liverpool Docks, but that every person who at the time of the passing of this Act shall be a trustee of the Liverpool Docks, and none other, shall be continued to be such trustee until the 1st of January 1836, and

any and every such Justice who is appointed to discharge, or in his corporate capacity discharges any powers, duties, or functions whatsoever in respect of the said last-mentioned trust estate, and none other, shall continue to discharge the same, as if this Act had not passed, until the 1st November 1836, and no longer.

And it is enacted, that it may be expedient that the powers now vested in the trustees appointed under sundry Acts of Parliament for paving, lighting, cleansing, watching, regulating, supplying with water, and improving certain boroughs, or certain parts thereof, should be transferred to and vested in the councils of such boroughs respectively;—

It is Enacted,

LXVI. That the trustees appointed by virtue of any such Act of Parliament as last aforesaid, wherein the trustees, or the persons whose trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing under their hands and seals all the powers vested in them as such trustees by any such Act or Acts of Parliament as aforesaid to the said body corporate of such borough, and the said body corporate of such borough shall thenceforth be trustee for executing by the council of such borough the several powers and provisions of any such Act or Acts of Parliament, and the members of the council shall have the same powers and be subject to the same duties as if their names had been originally inserted in such Act or Acts, or as if they had been elected under the provisions of any such Act or Acts as such trustees respectively: Provided always, that no such transfer as aforesaid shall be made of the powers vested by virtue of the Acts mentioned in Schedule (E.) which relate to the town of Cambridge, without the consent of the Chancellor, masters, and scholars of the University of Cambridge.

LXVII. That the council to be elected for any borough shall, immediately after their first election, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the mayor of the borough for the time being, shall be and be called the watch committee for such borough; and all the powers hereinafter given to such committee may be executed by the majority of those who shall be present at any meeting of such committee, the whole number present at such meeting being not less than three; and such watch committee shall, within three weeks after their first formation, and so from time to time thereafter as occasion shall require, appoint a sufficient number of fit men who shall be sworn in before some Justice of the Peace having jurisdiction within the borough, to act as constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall not only within such borough, but also within the county in which such borough or part thereof shall be situated, and also within every county being within seven miles of any part of such borough, and also within all liberties in any such county, have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constabulary by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the Justices of the Peace having jurisdiction within such borough, or within any county in which they shall be called to act as constables, for conducting themselves in the execution of their office.

LXVIII. That the watch committee for any such borough as aforesaid may from time to time frame such regulations as they shall deem expedient for preventing neglect or abuse, and for rendering such constables efficient in the discharge of their duties; and the said committee, or any two Justices of the Peace having jurisdiction within the borough, may at any time remove or dismiss any constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said constabulary force, all powers vested in him as a constable by virtue of this Act shall immediately cease; and no man so dismissed as aforesaid shall be re-appointed without the consent of two of the Justices of the Peace having jurisdiction within the borough.

LXIX. That it shall be lawful for any constable during the time of his being on duty to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of intention to commit a crime, and to deliver any person so apprehended into the custody of the constable appointed under this Act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a Justice of the Peace to be dealt with according to law, or may give bail for his appearance before a Justice of the Peace, if the constable shall think fit to take bail, in the manner hereinafter mentioned.

LXX. That where any person charged with any petty misdemeanor shall be brought without the warrant of a Justice of the Peace into the custody of any constable appointed under this Act, during his attendance in the night time at any watch-house within any such borough as aforesaid, it shall be lawful for such constable, if he shall think fit, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination within two days before a Justice of the Peace within the borough at some time and place to be specified in the recognizance; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the constable shall enter in a book, to be kept for that purpose in every watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the Justice shall cause a record of the recognizance to be drawn up, to be signed by the constable, and shall return the same to the next General or Quarter Sessions of the Peace for the borough, or for the county in which such borough is situate, in those boroughs for which there shall be no General or Quarter Sessions of the Peace, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the clerk of the peace shall make the like extracts and return of every such recognizance as of recognizances forfeited in the Sessions of the Peace; and if the party not appearing shall be taken by any person on his behalf to postpone the hearing of the charge against him, and the Justice shall think fit to do so, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint, and then to determine the same, either by the dismissal of the complaint or by binding the party to answer the charge at a time and place to be appointed.

matter thereof, at the Sessions, or otherwise, the recognisance for the appearance of the party before a Justice shall be dismissed without fee or reward.

LXXX. That if any constable of any borough shall be guilty of any neglect of duty or of any disobedience of any lawful order, or shall offend, being convicted thereof before any two Justices of the Peace, shall for every such offence be liable to be imprisoned for any time not exceeding ten days, or to be fined in any sum not exceeding 40s., or to be dismissed from his office, as such Justices shall in their discretion think meet.

LXXXI. That if any person shall assault or resist any constable of any borough appointed under this Act in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding 5l. as the said Justices shall think meet: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this Act for the same offence.

LXXXII. That the treasurer of every borough appointed under this Act shall pay to the constables of such borough appointed under this Act such salaries, wages, and allowances, and at such periods, as the watch committee for such borough shall, subject to the approbation of the council, direct, and the council shall order to be paid also any extraordinary expenses which such persons shall appear to have necessarily incurred in apprehending offenders and executing the orders of any Justice of the Peace having jurisdiction within such borough, such expenses having been first examined and approved by such Justice; and the said treasurer shall also pay such further sums as the watch committee shall, subject to the approbation of the council, award to any of the persons belonging to the said constabulary force, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and all other charges and expenses which the watch committee shall, subject to the approbation of the council, direct to be paid for the purposes of the constabulary force under this Act.

LXXXIII. That any two or more of the Justices of the Peace having jurisdiction within any borough are hereby authorised and required in the month of October in every year to nominate and appoint by precept in writing, under their hands, as many as they shall think fit of the inhabitants of such borough (not legally exempt from serving the office of constable), to act as special constables within such borough whenever they shall be required by the warrant of any of the Justices of the Peace having jurisdiction within such borough so to act, and not otherwise; and every such warrant shall recite that in the opinion of the Justice granting the same the ordinary police force of the borough is insufficient at that time to maintain the peace of the borough; and every person so appointed a special constable shall take the oath set forth in the Act, 1 & 2 Will. 4. c. 64, intituled, 'An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace,' and shall have the powers and immunities and be liable to the duties and penalties enacted by the said last-mentioned Act; and every person so appointed a special constable shall receive, out of the borough fund, for every day during which he shall be called out to act as such, the sum of 3s. 6d., and no more.

LXXXIV. That as soon as constables shall have been appointed by the watch committee for any borough, a notice, signed by the mayor of such borough, specifying the day on which such constables shall begin to act, shall be fixed on the door of the town hall and every church within such borough; and on the day so specified in such notice so much of all Acts named in conjunction with such borough in the Schedule (E.) to this Act annexed, and of all Acts made before the passing of this Act, as relates to the appointment, regulation, powers, and duties or to the assessment or collection of any rate to provide for the expenses of any watchmen, constables, patrol, or police for any place situated within such borough, shall cease and determine; and all watch-houses and watch-boxes in any such place, and all arms, accoutrements, and other necessities provided as the public expense for any watchmen, constables, patrol, or police therein, shall be given up to such persons as shall be named by the said mayor in such notice, for the use and accommodation of the constables to be appointed under this Act, and all the property so to be given up shall be deemed to belong to the body corporate of such borough; and in case any person having the charge, controul, or possession of any watch-house, watch-box, arms, accoutrements, or necessities as aforesaid shall neglect or refuse to give up the same as hereinbefore required, every such offender, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum not exceeding 5l. as the said Justices shall think meet; and where there shall be any building in any such place as aforesaid apart only of which building shall have been heretofore used as a watch-house, such part shall be given up every day, from the hour of four in the afternoon until the hour of nine in the forenoon, for the use and accommodation of the constables to be appointed under this Act; and if any person having the charge, controul, or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every such offender, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding 5l. as the said Justices shall think meet: Provided nevertheless, that in every case in which before the passing of this Act a rate might be levied in any borough for the purpose of watching, conjointly with any other purpose, nothing in this Act contained shall be construed to prevent the levying and collecting of such rate for such other purpose solely, or to repeal the powers given in any Act so far as the same relate to such other purpose: Provided always, that where the amount of such rate before the passing of this Act might not exceed a given rate in the pound or the value of property rateable thereunto, the rate so to be levied for such other purpose solely shall not exceed such proportion of the said given rate in the pound as shall appear to have been expended for such purpose other than watching by an account of the average yearly expenditure during the last seven years, or where such rate shall not have been levied during seven years, then during such less number of years as such rate shall have been levied.

LXXXV. Provided, That any rate for defraying the expenses of any watchmen, constables, patrol, or police, in any such place as aforesaid, made previously to the day specified in such notice as aforesaid, shall be levied and collected in the same manner as if this Act had not been passed: Provided also, that nothing herein contained shall prevent the levying and collecting of

any person, any such place as aforesaid for the purpose of paying any debt contracted before the passing of this Act, or the interest of any such debt; but that such rate shall and may be levied and collected in the same manner as if this Act had not been passed.

And after reciting that the watch committee of every such borough shall, on the 1st of January, the 1st of April, the 1st of July, and the 1st of October in every year, transmit to one of His Majesty's principal Secretaries of State a report of the number of men appointed to act as constables or policemen in such borough, and of the description of arms, accoutrements, and clothing, and other necessaries furnished to each man, and of the salaries, wages, and allowances payable to such constables or policemen, and of the number and situation of all station-houses in such borough; and also a copy of all rules, orders, and regulations which shall from time to time be made by such watch committee or by the council of such borough for the regulation and guidance of such constables or policemen.

And after reciting that parts of certain boroughs are within the provisions of one or more local Act or Acts for regulating the lighting thereof, and certain other parts of the same boroughs are not within the provisions of any local Act for regulating the lighting thereof, and for want of such lighting the efficiency of the constables may be much diminished, and great facilities afforded for the commission of crimes and for the escape of offenders; for remedy thereof—

It is Enacted,

LXXXIII. That it shall be lawful for the council of any borough in any part of which there is a local Act for the lighting thereof, to make an order that any part of such borough not being within the provisions of any local Act for the lighting thereof shall, from and after a certain day to be named in such order, be taken to be within the provisions of such local Act or Acts for lighting any part of such borough as the common council shall specify in such order; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such Act or Acts, anything in such Act or Acts to the contrary notwithstanding: Provided always, that every part named in such order shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such local Act, and that the rate to be levied for the purpose of defraying the expenses of lighting any part so named in such order shall not exceed the average expense in the pound of the lighting of the other parts of such borough.

LXXXIV. That if the council of any borough chosen under this Act shall, by public notice to be affixed on the outer door of the town hall or in some public place within the borough, declare that on a certain day, to be named in such notice, not less than twenty-one days after the day on which such public notice shall have been given, they will take upon themselves the powers given to the inspectors named in a certain Act, 3 & 4 Will. 4. c. 90, intituled, 'An Act to repeal an Act of his late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other provisions in lieu thereof,' so far as the same relates to the lighting the whole or any part of any borough which is not within the provisions of any local Act, or in which there is no power of levying rates for lighting the same, the council of such borough shall, after the day named in such notice, have the same powers and duties as belong to inspectors under the said last-recited Act in regard to lighting, and to levying rates for the purpose of lighting such part of the borough, except so far as the same are contrary to or inconsistent with the provisions of this Act; and in such case the council shall have the sole power to fix and determine the amount of money which they will call for in any one year for the purpose of lighting such part of the borough, so that such sum shall not exceed the rate of 6d. in the pound on the full and fair annual value of all property rateable to the rate of the poor within such part of the borough: Provided also, that it shall not be lawful in such case for the inhabitants of such part of the borough at any time to determine that the provisions of the said recited Act shall cease to be acted upon.

LXXXV. That nothing herein contained shall be construed to interfere with the watching, paving, or lighting, and internal regulations established for the government and security of any of His Majesty's dockyards, victualling establishments, arsenals, and barracks respectively; nor shall any of the tenements within the said dockyards, victualling establishments, arsenals, or barracks, or the inhabitants of the same, be liable to be assessed to the rates for watching, paving, or lighting the other parts of the city, borough, or parish within which the same may be respectively situated, unless such tenements or the inhabitants thereof are now or may hereafter become liable to be assessed to any such rates made under or by virtue of any law or statute now in force; nor shall anything herein contained extend to defeat or affect the authority of Justices of the Peace which by an Act, 3 & 3 Will. 4. c. 40, intituled, 'An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments,' is vested in the Commissioners for executing the office of Lord High Admiral of the United Kingdom, and in the superintendents of the several dockyards and other naval and victualling establishments, in all places and in all matters relating to His Majesty's naval service, and to the stores, provisions, ammunition, and accounts thereof.

LXXXVI. That it shall be lawful for the council of any borough to make such bye laws as to them shall seem meet for the good rule and government of the borough, and for prevention and suppression of all such nuisances as are not already punishable in a summary manner by virtue of any Act in force throughout such borough, and to appoint by such bye laws such fines as they shall deem necessary for the prevention and suppression of such offences; provided that no fine so to be appointed shall exceed the amount of 5s., and that no such bye law shall be made unless at least two thirds of the whole number of the council shall be present: provided that no such bye law shall be of any force until the expiration of forty days after the same or a copy thereof shall have been sent, sealed with the seal of the said borough, to one of His Majesty's principal Secretaries of State, and shall have been affixed on the outer door of the town hall or in some other public place within such borough; and if at any time within the said period of forty days His Majesty, with the advice of his Privy Council, shall disallow the same bye law or any part thereof, such bye law or the part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for His Majesty, if he shall think fit, at any time within the said period of forty days, to enlarge the time within which such bye law or any part thereof shall not come into force; and no such bye law shall in that case come into force until after the expiration of such enlarged time.

and that the provisions hereinafter contained relative to offences against this Act punishable upon summary conviction shall nevertheless apply to all offences committed in breach of any bye law or regulation made by virtue of this Act.

XCII. That after the election of the treasurer in any borough the rents and profits of all hereditaments, and the interest, dividends, and annual proceeds of all monies, dues, chattels, and valuable securities belonging or payable to any body corporate named in conjunction with the said borough in the said Schedules (A.) and (B.), or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this Act (the application of which has not been already provided for), shall be paid to the treasurer of such borough; and all the monies which he shall so receive shall be carried by him to the account of a fund to be called "The Borough Fund;" and such fund, subject to the payment of any lawful debt due from such body corporate to any person, which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the council of such borough from time to time shall be required or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interests, claims, or demands of all persons or bodies corporate in or upon the real or personal estate of any body corporate by virtue of any proceedings either at law or in equity which have been already instituted or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the payment of the salary of the mayor, and of the recorder and of the police magistrate hereinafter mentioned when there is a recorder or police magistrate, and of the respective salaries of the town clerk and treasurer, and of every other officer whom the council shall appoint, and also toward the payment of the expenses incurred from time to time in preparing and printing burgess lists, ward lists, and notices, and in other matters attending such elections as are herein mentioned, and, in boroughs which shall have a separate Court of Sessions of the Peace as is hereinafter provided, towards the expenses of the prosecution, maintenance, and punishment of offenders, and towards such other sum to be paid by such borough to the treasurer of such county as is hereinafter provided, and towards the expenses of maintaining the borough gaol, house of correction, and corporate buildings, and towards the payment of the constables, and of all other expenses not herein otherwise provided for which shall be necessarily incurred in carrying into effect the provisions of this Act; and in case the borough fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the council, for the public benefit of the inhabitants and improvement of the borough; provided that it shall not be lawful for the council to be elected under the provisions of this Act, in any borough in which the body corporate named in conjunction with the said borough in the said schedules (A.) and (B.), before the time of the passing of this Act shall have contracted any lawful debt chargeable on any tolls or dues belonging or payable to the said body corporate, or to any member or officer thereof in his corporate capacity, or towards the satisfaction whereof such tolls or dues or any part thereof were applicable before the passing of this Act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission or of exemption from such tolls or dues or any part thereof, unless with the consent in writing under the hands of a majority in number and amount of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied; and in case the borough fund shall not be sufficient for the purposes aforesaid, the council of the borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, will be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of this Act; and in order to raise the amount so estimated, the said council is hereby authorized and required from time to time to order a borough rate in the nature of a county rate to be made within their borough, and for that purpose the council of such borough shall have within their borough all the powers which any Justices of the Peace assembled at their General or Quarter Sessions in any county in England have within the limits of their commission by virtue of an Act, 55 Geo. 3. c. 51, intituled, 'An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates,' or as near thereto as the nature of the case will admit, except as is hereinafter excepted; and all warrants required by the said Act to be issued under the hands and seals of two or more Justices shall in like case be signed by the mayor, and sealed with the seal of the borough; provided that such council shall not be empowered to receive, hear, or determine any appeal against any such rate; and if any person shall think himself aggrieved by any such rate it shall be lawful for him to appeal to the recorder hereinafter mentioned at the next Quarter Sessions for the borough in which such rate has been made, or in case there shall be no recorder within such borough, to the Justices at the next Court of Quarter Sessions for the county within which such borough is situate or wherewith it is adjacent; and such recorder or Justices respectively shall have power to hear and determine the same, and to award relief in the premises, as in the case of an appeal against any county rate; and all such sums levied in pursuance of such borough rate shall be paid over to the account of the borough fund, and, subject to the provisions hereinbefore contained, shall be applied to all purposes to which before the passing of this Act a borough rate or county rate was by law applicable in such borough or county: Provided that in every case in which before the passing this Act any rate might be levied in any borough, or in any parish or place made part of any borough under the provisions of this Act, for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, it shall be lawful for the council of such borough to levy a watch rate sufficient to raise any sum not greater than the average yearly sum which during the last seven years, or where such rate shall not have been levied during seven years then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen, constables, patrol, or policemen within the district in which such rate was levied, and for that purpose the council shall have all the powers hereinbefore given to the council in the matter of the borough rate; and where any part of any borough shall not at the time of the passing of this Act be within the provisions of the Act authorizing the levy of such rate for watching as aforesaid it shall be lawful for the council from time to time to order that such part, or so much thereof as to the council shall seem fit, shall be rated to the watch rate in like manner as other parts of the borough to be specified in such order, and such watch rate thereupon shall be levied within the part mentioned in such order in like manner as in the other parts of the borough as specified, and all such sums levied in pursuance of such watch rate shall be paid over to the account of the borough fund: Provided always, that no such order as last aforesaid shall be made for rating to such watch rate any part of any borough in which at the time of passing this Act such rate as aforesaid shall not be levied, and which is more than 200 yards distant from any street, or continuous line of houses which shall be regularly watched within the borough under the provisions of this Act: Provided also, that nothing in this Act contained shall be construed to render liable to the payment of any debt contracted before the passing of this Act by any body corporate any part of the real or personal estate of the said body corporate which

before the passing of this Act was not liable thereto, or to authorize the levy of any rate within any part of any borough for the purpose of paying any debt contracted before the passing of this Act which before the passing of this Act could not lawfully be levied therein towards the payment of the same.

XIII. That the treasurer of every borough shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid; and the books containing the accounts shall at all reasonable times be open to the inspection of any of the aldermen or councillors of such borough; and all the accounts, with all vouchers and papers relating thereto, shall, in the months of March and September in every year, be submitted by the treasurer of the borough to the auditors hereinbefore provided to be elected, and to such member of the council as the mayor shall name on the 1st of March in every year, or in case of extraordinary vacancy within ten days next after such vacancy, for the purpose of being examined and audited, from the 1st of September in the year preceding to the 1st of March, and from the 1st of March to the 1st of September in the year in which the said auditors were elected and named, and if the said accounts shall be found to be correct, the auditors shall sign the same; and after such accounts shall have been so examined and audited in the month of September in every year, the treasurer shall make out in writing, and shall cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such borough, and copies thereof shall be delivered to all rate-payers of such borough applying for the same, on payment of a reasonable price for each copy.

XIV. That it shall not be lawful for the council of any body corporate to be elected under this Act to sell, mortgage, or alienate the lands, tenements, or hereditaments of the said body corporate, or any part thereof, except in pursuance of some covenant, contract, or agreement *bond fide* made or entered into on or before the 5th of June in this present year, by or on behalf of the body corporate of any borough, or of some resolution duly entered in the corporation books of such body corporate on or before the said 5th of June, or to demise or lease, except in pursuance of some covenant, contract, or agreement *bond fide* made or entered into on or before the said 5th of June by or on the behalf of such body corporate, or in pursuance of some resolution duly entered in the corporation books of such body corporate on or before the said 5th of June, or except in the cases hereinafter mentioned, any lands, tenements, or hereditaments of such body corporate, or any part thereof, or to enter into any new covenant, contract, or agreement (except in the cases hereinafter mentioned), for demising or leasing any such lands, tenements, or hereditaments, or any part thereof, for any term exceeding thirty-one years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every lease which the said council is not hereby restrained from making there shall (except in the cases hereinafter mentioned) be reserved and made payable during the whole of the term thereby granted such clear yearly rent as to the council shall appear reasonable, without taking any fine for the same: Provided nevertheless, that in every case in which such council shall deem it expedient to sell and alienate or to demise and lease for a longer term than thirty-one years, or upon different terms and conditions than those hereinbefore mentioned, any of the said lands, tenements, or hereditaments, it shall be lawful for such council to represent the circumstances of the case to the Lords Commissioners of His Majesty's Treasury; and it shall be lawful for such council, with the approbation of the said Lords Commissioners or any three of them, to sell, alienate, and demise any of the lands, tenements, and hereditaments of the said body corporate in such manner and on such terms and conditions as shall have been approved by the said Lords Commissioners: Provided always, that notice of the intention of the council to make such application as aforesaid shall be fixed on the outer door of the town hall, or in some public and conspicuous place within the borough, one calendar month at least before such application; and a copy of the memorial intended to be sent to the said Lords Commissioners shall be kept in the town clerk's office during such calendar month, and shall be freely open to the inspection of every burgess at all reasonable hours during the same.

XV. That in all cases in which any body corporate shall on the 5th of June in this present year have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will, or other document, or have been mentioned or warranted by ancient usage or by custom or practice, to make any renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives, and years determinable after the lapse of any number of years, at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any body corporate, shall theretofore have ordinarily made renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the council of such borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives, or for such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as such body corporate could or might have done in case this Act had not been passed.

XVI. Provided nevertheless, That in any of the instances hereinafter mentioned it shall be lawful for the council from time to time to demise and lease, or to enter into any contract or agreement for demising and leasing, any of the said lands, tenements, or hereditaments, to any person, body politic, corporate, or collegiate, for any term not exceeding seventy-five years from the time of making such lease or agreement; (that is to say,) of tenements or hereditaments the greater part of the yearly value of which shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages, or other appurtenances to be used therewith, and, where the lessee or intended lessee shall covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages, or other appurtenances to be used with any other house or other building erected or to be erected on any such ground, belonging either to such body corporate, or to any other proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupants of any such house or building.

XVII. That it shall be lawful for the council first to be elected in any borough under the provisions of this Act to call in and purchase, or to lease, or to demise, any lands, tenements, or hereditaments, sales, leases, and demises not made in pursuance of some such *bond fide* covenant, contract, agreement,

LXXV.

or resolution made or entered into as aforesaid before the said 5th of June, and all contracts for the purchase, sale, lease, demise, or appropriation of any lands, tenements, and hereditaments, and all divisions and appropriations of the monies, goods, and valuable securities, or any part of the real or personal estate, of which on or before the 5th of June in this present year the body corporate of which they are the council, whether in their own right or as trustees for charitable or other purposes, was seized or possessed, which shall have been made or contracted between the said 5th of June and the day of the declaration of their election; and for that purpose, if it shall appear to the said council that there is ground for believing that any such purchase, sale, lease, demise, or demise, or such contract, or such division or appropriation of the premises, was collectively made for no consideration, or for an inadequate consideration, it shall be lawful for the council of such borough, at any time within six calendar months next after the first election of councillors under this Act shall have been declared in such borough, upon notice of their intention being first given in the London Gazette, and also affixed on the outer door of the town hall or in some public place within the borough, to cause the value of the lands, tenements, hereditaments, and premises in question to be inquired of and found by a jury of twelve indifferent men of the county in which, or adjoining to which in the case of Berwick-upon-Tweed, and of all counties of cities and towns corporate, such lands, tenements, hereditaments, or premises do lie; and in order thereto the said council is empowered to summon and call before such jury all persons having the custody and possession of any deed or agreement concerning the said lands, tenements, hereditaments, and premises made or entered into since the said 5th of June, and to cause all such deeds and agreements to be produced before the said jury, and examined by them, and to examine upon oath every person who shall be thought necessary to be examined (which oath the mayor is hereby empowered to administer); and the council shall, by ordering a view or otherwise, use all lawful means for the information as well of themselves as of the said jury in the premises; and the jury shall find the value of the said lands, tenements, hereditaments, and premises, and the consideration which shall have been given, and also that which ought of right to have been given, for the purchase, sale, lease, demise or appropriation thereof, according to the terms of such purchase, sale, lease, demise, contract, or appropriation, and taking into account all the circumstances under which the same shall have taken place; and if the jury by their oath shall find that no consideration, or a consideration less than that which they shall have so found to be the value which ought therefore to have been given, shall have been collectively given or contracted to be given by the terms of any such purchase, sale, lease, demise, contract, or appropriation, the party to such purchase, sale, lease, demise, contract, or appropriation shall have his option either to re-convey and restore the lands, tenements, hereditaments, and premises in question, and to abandon the contract to which he shall have been party, upon receipt in each case of the consideration, if any, which he shall hereafter give for the same, or to give therefore in each case such additional consideration so that the whole consideration given shall be that which ought of right to have been given, so found by the jury as aforesaid; and in every such case as last aforesaid the additional consideration given or to be given shall be endorsed on the original deed or conveyance; and unless he shall do within one calendar month next after the finding of the jury every such purchase, sale, lease, demise, contract, and conveyance shall be absolutely void and of none effect as against the said body corporate and their successors; and in every case in which any such contract shall have been abandoned as aforesaid, or in which any such purchase, sale, lease, demise, contract, or conveyance shall become void and of none effect, under the provisions of this Act, the party who would otherwise have had the benefit of the same shall be remitted to his former estate, title, and interest (if any) in the premises as if no such contract, purchase, sale, lease, or demise had been made or entered into; and for summoning and returning such juries, and for imposing fines on the sheriff, his deputy, bailiff, or agent, and on the persons summoned and returned on the said jury, and on the person required to give evidence, who shall in this behalf contravene the provisions of this Act, the council of every such borough shall have all the powers given in that behalf to the trustees or commissioners of any turnpike road by an Act, 3 Geo. 4 c. 126, intitled, 'An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England'; and all the costs of the said jury, and of all witnesses tendered by the said council to be examined before the said jury, shall in every case be borne by the council, and paid out of the borough fund: Provided nevertheless, that it shall be lawful for His Majesty, if he shall think fit, by the advice of his Privy Council, upon petition to him setting forth the special circumstances under which any purchase, sale, lease, demise, contract, or appropriation of any of the said lands, tenements, hereditaments, and premises shall have been made since the said 5th of June, to order that the same shall not be called in question under the provisions of this Act; and in such case as last aforesaid the same shall not be called in question or be aside or affected under the provisions of this Act: Provided always, that in every case in which such petition shall have been presented it shall be lawful for His Majesty, if he shall think fit, to enlarge the time within which (in case His Majesty shall not think fit to make such order as aforesaid) the council may have power as aforesaid to call in question any purchase, sale, lease, demise, contract, or appropriation referred to in such petition.

LXXVII. That it shall be lawful for His Majesty from time to time to assign to so many persons as he shall think proper His Majesty's commission to act as Justices of the Peace in and for each borough, and is and for each of the counties of cities and towns respectively named in the said Schedule (A.), and in and for such of the boroughs in the said Schedule (B.) as His Majesty may be pleased upon the petition of the council thereof to grant a commission of the peace: Provided nevertheless that every person so to be assigned shall reside within the borough for which he shall be so assigned, or within seven miles of such borough, or of some part thereof, during such time as he shall act as a Justice of the Peace in and for such borough.

LXXIX. That if the council of any borough shall think it requisite that a salaried police magistrate or magistrates be appointed within such borough, such council is hereby empowered to make a bye law fixing the amount of the salary, which he or they are to receive in that behalf; and such bye law so made by any council as aforesaid shall be transmitted to one of His Majesty's principal Secretaries of State, and it shall be lawful thereupon for His Majesty, if he shall think fit, to appoint one or more fit persons, according to the number fixed in the said bye law (being barristers at law of not less than five years standing) to be during His Majesty's pleasure police magistrate or magistrates and a Justice or Justices of the Peace for such borough, and to direct that such sum shall be paid quarterly out of the borough fund of such borough as will be sufficient to pay the yearly salary to each of the Justices so assigned as last aforesaid, not exceeding in the whole the salary mentioned in the prayer of such petition, clear of all fees or deductions, as to His Majesty shall seem fit; and the treasurer of such borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the borough fund of such borough, the salary so assigned to be paid, by four equal quarterly payments, and in the same proportion up to the time of the death of such Justice, or of

under such assignment as aforesaid; provided that in every case of vacancy of the office of police magistrate in such borough a new appointment of police magistrate in such borough shall be made until the council shall apply to one of His Majesty's principal Secretaries of State in that behalf, and as in the case of the first appointment of a police magistrate in such borough.

That the council of every borough to which a separate commission of the peace shall be granted under the provisions of this Act shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "The Police Office" or "Offices" of the borough, for the purpose of transacting the business of the Justices of such borough, and to pay from time to time out of the borough fund such sums as may be necessary for providing, upholding, and furnishing, and for the necessary expenses of such police office or offices; provided that no room in any house licensed as a victualling house or alehouse shall be used for the purpose of any such police office.

That every person assigned to keep the peace within any borough under the provisions of this Act, or any of them, shall, during the continuance of such assignment, execute the duties of a Justice of the Peace in and for the borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other persons being Justices of the Peace for a county, provided that such person be not disqualified by law to act as a Justice of the Peace for any other cause or upon any other account than in respect of estate, and although such person may not be a burgess of the borough in and for which he shall have been assigned to act as a Justice of Peace; and that every summons for the appearance of any person, or warrant to compel such appearance, or warrant for the apprehension of any person charged with any offence, or search warrant, issued by any Justice of the Peace acting in and for any borough in any matter within his jurisdiction, may be respectively served and executed within any county in which the said borough shall be situated, or within any distance not exceeding seven miles from such borough, and within such limits as aforesaid shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace having jurisdiction in the place where the same shall be served or executed, any law, statute, charter, or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the constable or special constable to whom the same shall be directed: Provided nevertheless, that no such person, by virtue of such assignment, shall act as a Justice of the Peace at any court of gaol delivery or General or Quarter Sessions, or in making or levying any county rate, or rate in the nature of a county rate.

That it shall be lawful for the Justices of every borough to which a separate commission of the peace shall be granted aforesaid, at their first or any other meeting, and they are hereby respectively required, to appoint a fit person to be the clerk to the Justices of such borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of clerk to the Justices by death, resignation, removal, or otherwise; provided that it shall not be lawful for the said Justices to appoint or continue as such clerk to the Justices any alderman or councillor of such borough, or clerk of the peace of such borough, or the partner of such clerk of the peace, or any clerk or person in the employ of such clerk of the peace: Provided also, that it shall not be lawful for the said clerk to the Justices, by himself or his partner, to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the Justices of whom he shall be such clerk as aforesaid, or any of them, at any court of gaol delivery or General or Quarter Sessions; and any person being an alderman or councillor, or clerk of the peace of any borough, or the partner or clerk or in the employ of such clerk of the peace, who shall act as clerk to the Justices of such borough, or shall otherwise offend in the premises, shall for every such offence pay the sum of 100*l.* one moiety thereof to the treasurer of such borough, to be paid over to the credit and account of the borough fund of such borough, and the other moiety thereof, with full costs of suit, to any person who will sue for the same in any of His Majesty's courts of record at Westminster.

That the council of every borough which shall be desirous that a separate Court of Quarter Sessions of the Peace shall be continued to be holden in and for such borough shall signify the same by petition to His Majesty in council, setting forth the grounds of the application, the state of the gaol, and the salary which they are willing to pay to the recorder in that behalf; and it shall be lawful for His Majesty, if he shall be pleased thereupon to grant that a separate Court of Quarter Sessions of the Peace shall be thenceforward holden in and for such borough, to appoint for such borough, or for any two or more of such boroughs, conjointly, a fit person, being a barrister at law of not less than five years standing, who shall be and be called the recorder of such borough or boroughs, and shall hold such office during his good behaviour, and upon any vacancy in any such office to appoint another fit person, being a barrister at law of not less than five years standing, to be the recorder in the place of the person so making such vacancy; and the council of every such borough shall appoint a fit person to be clerk of the peace during his good behaviour; and the recorder for the time being of any borough shall be a Justice of the Peace of and for such borough, although he may not have such qualification by estate as is required by law in the case of any other person being a Justice of the Peace for a county; and such recorder shall have precedence in all places within the borough of which he may be the recorder next after the mayor thereof; and in such case it shall be lawful for His Majesty to direct that an annual salary, not exceeding the sum stated in the petition of the council, shall be paid to such recorder, by the treasurer of such borough out of the borough fund: Provided always, that no person being such recorder as aforesaid shall be eligible to serve in Parliament for such borough, nor shall he be an alderman, councillor, or police magistrate of such borough: Provided nevertheless, that nothing in this Act contained shall be construed to disqualify any such recorder from being appointed a barrister to revise any list of voters under the provisions of an Act, 2 Will. 4. c. 45, intituled, 'An Act to amend the Representation of the People in England and Wales,' or from being eligible to serve in Parliament, otherwise than is hereinbefore provided: Provided also, that in every borough in and for which a separate Court of General or Quarter Sessions of the Peace is now holden, and of which the present recorder or deputy recorder is a barrister of five years standing, such recorder or deputy recorder, being qualified as aforesaid, shall be continued or appointed recorder under the provisions of this Act: Provided also, that in the case of sickness or unavoidable absence, the recorder of any borough shall be empowered under his seal and with the consent of the council of such borough, to appoint a deputy recorder, being a barrister of five years standing to act for him at the Quarter Sessions of the Peace then next ensuing, and no longer or otherwise.

civ. Provided, That no recorder or person assigned to keep the peace within any such borough shall be capable of acting

as Justice of the Peace within such borough until he shall have taken the oaths provided to be taken by Justices of the Peace, except the oath as to qualification by estate, and until he shall have made before the mayor or before any one or more of the aldermen or councillors of such borough (who is and are hereby authorized and required to administer the same) a declaration in the following form; (that is to say,)

I A.B. do hereby declare, that I will faithfully and impartially execute the Office of Recorder [or Justice of the Peace] for the Borough of _____ according to the best of my Judgment and Ability.

CV. That the recorder of every borough shall hold once in every quarter of a year, or at such other and more frequent times as the said recorder in his discretion may think fit, or as His Majesty shall think fit to direct, a Court of Quarter Sessions of the Peace in and for such borough, of which court the recorder of such borough shall sit as the sole Judge; and such Court of Quarter Sessions of the Peace shall be a court of record, and shall have cognizance of all crimes, offences, and matters whatsoever cognizable by any Court of Quarter Sessions of the Peace for counties in England, and the said recorder shall have power to do all things necessary for exercising such jurisdiction, notwithstanding his being such sole Judge, as fully as if such last-mentioned court: Provided nevertheless, that no recorder, by virtue of his office, shall have power to make of any county rate, or rate in the nature of a county rate, or to grant any licence or authority to any person to keep an inn, a house, or victualling house, to sell exciseable liquors by retail, or to exercise any of the powers herein specially vested in the council of such borough.

CVI. That in the absence of the recorder and deputy recorder the mayor shall be authorized and required, at the proper times appointed for the holding of such Court of Quarter Sessions of the Peace in and for such borough, to open the said court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such mayor then and there, and so from time to time, shall cause to be proclaimed: Provided nevertheless, that nothing in this Act contained shall authorize or require any such mayor to sit as a Judge of the said court, or to do any other Act in the character of a Judge of such court, save only in opening and adjourning the same, and respiting the said recognizances in manner aforesaid.

CVII. That after the 1st of May 1836 all powers and jurisdictions to try treasons, capital felonies, and all other criminal jurisdictions whatsoever granted or confirmed by any law, statute, letters patent, grant, or charter whatsoever, to any mayor, bailiff, alderman, recorder, or other corporate or chartered officer, or corporate or chartered Justice of the Peace whatsoever, in any borough, and all right of any body corporate in any borough, or any of the members thereof, by virtue of any law, letters patent, grant, or charter whatsoever, to elect or nominate any Justices to keep the peace in or for any borough, or any members of any such corporate body to act as such Justices of the Peace in or for any of the last-named boroughs, shall cease: Provided nevertheless, that nothing in this Act contained shall be construed to restrain or prevent the holding of any court of gaol delivery or General or Quarter Sessions of the Peace in and for any borough in which such court may now be holden, until the said 1st of May, but every such court may be holden in like manner, and with the same powers, until the said 1st of May, as if this Act had not been passed.

CVIII. That from and after the passing of this Act so much of all laws, statutes, and wages, and so much of all charters, other charters, grants, and letters patent heretofore granted to any borough or body corporate, whereby such borough, or body corporate, or the precincts or liberties of the same, or such body corporate, or the freemen or inhabitants of the same, shall claim to be exempted and released from the jurisdiction and office of the Lord High Admiral of England, or of the Court of the Admiralty of England, or whereby any body corporate, or any mayor, bailiff, recorder, steward, or other officer or corporate officer of any borough has or claims anything belonging to the office of Admiral, whether or not to be exercised by virtue of any commission to them or any of them to be directed, shall be and the same is hereby repealed: Provided nevertheless, that nothing in this Act contained shall extend to alter or affect the jurisdiction and office of the Lord High Admiral of the Cinque Ports: Provided also, that all suits and matters wherein before the passing of this Act the rights of any salvors, or any droits or perquisites to the office of Admiral belonging, were drawn into question, may be tried, heard, determined, and adjudicated upon in like manner as if this Act had not passed.

And after reciting an Act, 38 Geo. 3. c. 52, intituled, 'An Act to regulate the Trial of Causes, Indictments, and Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom,' that certain cities and counties of cities were excepted out of the operation of the same: And that it is expedient to repeal in part the exceptions:—

It is Enacted,

CLX. That so much of the last recited Act as provides that nothing therein contained shall extend or be construed to extend to the city or county of the city of Bristol, or the city or county of the city of Chester, or to the criminal jurisdiction of the city of Exeter and county of the same city, shall be and the same is hereby repealed; and that the town of Berwick-upon-Tweed shall be taken to be a county of a town corporate, and to be within all the provisions of the last-recited Act; and after the 1st of May 1836, and until His Majesty shall be pleased to direct a commission of oyer and terminer and gaol delivery to be executed within any county of a city or town corporate, all bills of indictment for offences committed within any county of a city or town corporate shall be preferred and all proceedings upon such indictments shall be had as in the last-recited Act is authorized to be done, and the counties of the cities and towns corporate named in the first column of the Schedule (C.) to this Act annexed shall be considered as next adjoining to the county named in conjunction with the same respectively in the second column of the said Schedule (C.)

CLXI. That after the said 1st of May 1836 every person who shall then stand committed to take his trial at any court of delivery, General or Quarter Sessions of the Peace for any borough, charged with any offence which the recorder of the borough after the said 1st of May, will not have jurisdiction to try, may be lawfully removed and committed to the house of correction of the county in which or adjoining to which such borough is situated, there to remain and take his trial at the next Court of Quarter Sessions for such county, if the offence is cognizable by a Court of Quarter Sessions, and if

shall be the Judges of assize and terminer and gaol delivery at their next circuit; and all persons bound by recognisances to prosecute and give evidence against such offenders shall be bound to appear to prosecute and give their evidence at the court wherein such offenders shall be tried as aforesaid; and all such recognisances and all depositions relating to such charges shall be transmitted to the proper officer of the court where such offenders shall be tried; and the sheriff, under-sheriff, gaolers, and other officers of the county in which such offenders shall be so tried are hereby authorized and required in every such case to receive every prisoner so committed to their custody, and him safely to keep until delivered by due course of law; and the Judges of assize and others named in His Majesty's commissions of eyer and terminer and gaol delivery, or the Justices for the county, as the case may be, in which such offenders shall be tried, are hereby authorised and required to hear and determine all such cases, and to order the payment of the usual and fit expenses of the prosecutors and witnesses, and all other material expenses which in like case may be directed to be paid by order of the Court.

XXI. That after the said 1st of May 1836 the Justices assigned or hereafter to be assigned to keep the peace in and for the county in which any borough is situated, to which His Majesty shall not have granted that a separate Court of Quarter Sessions of the Peace shall be holden in and for the same, shall exercise the jurisdiction of Justices of the Peace in and for such borough as fully as by law they and each of them can or ought to do in and for the said county; and no part of any borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be within the jurisdiction of the Justices of any county from which such borough before the passing of this Act was exempt, any law, statute, letters patent, charter, grant, or custom to the contrary notwithstanding.

XXII. That within ten days after the grant of a separate Court of Quarter Sessions of the Peace to any borough the council of such borough shall send a copy of such grant, sealed with the seal of the borough, to the clerk of the peace of the county in which such borough or any part thereof is situated; and after the grant of such court to any borough it shall not be lawful for the Justices of the Peace of any county wherein such borough or part of such borough is situate to assess any messuages, lands, tenements, or hereditaments within such borough to any county rate thereafter to be made, but every part of every such borough shall thenceforward be wholly free and discharged from contributing otherwise than is hereinafter provided, to any rate or assessment of any kind of and for the county in which any part of such borough is situated: Provided nevertheless, that all arrears of such rates theretofore made may be levied and collected as if this Act had not been passed.

And after reciting that by an Act, 7 Geo. 4. c. 64, intituled, 'An Act for improving the Administration of Criminal Justice in England and Wales,' it was enacted that all sums directed to be paid by virtue of that Act in respect of felonies and misdemeanors therein enumerated, committed in liberties, franchises, cities, towns, and places which do not contribute to the payment of any county rate, should be paid as therein is directed:—

It is Enacted,

XXIII. That all sums directed to be paid by virtue of the last-recited Act in respect of felonies and such misdemeanors as should be committed or supposed to have been committed in any borough in which a separate Court of Quarter Sessions of the Peace shall be holden, shall be paid out of the borough fund of such borough, anything in the said Act contained notwithstanding; and the order of court shall in every such case be directed to the treasurer of such borough instead of the treasurer of the county.

XXIV. That the treasurer of every county in England and Wales shall keep an account of all costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of all offenders committed for trial to the assizes in such county; and every borough in which a separate Court of Quarter Sessions of the Peace shall be holden; and the treasurer of every such county shall, not more than twice in every year, send a copy of the said account to the council of each of the said boroughs, and shall make an order for payment of the same on the council of such borough; and the council of every such borough shall forthwith order the same, with all reasonable charges of making and sending such account, to be paid to the treasurer of such county out of the borough fund; and in case any difference shall arise concerning the said account, it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of an Act, 5 Geo. 4. c. 85, intituled, 'An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring information as to the State of all other Gaols and Houses of Correction in England and Wales:' Provided that nothing herein contained shall be construed to alter or restrain the powers given by the last-mentioned Act of contracting with the Justices of the Peace having authority or jurisdiction in and over any gaol or house of correction of the county wherein or where such borough is situated, or whereto it is adjacent, for the conveyance, support, and maintenance in such last-mentioned gaol or house of correction of prisoners committed thereto from such borough, save only that all such powers shall after the 1st of May 1836 be vested in the council of such borough in the name of the body corporate whose council they are, and in none other; and for the purpose of making such contracts as aforesaid the council of such borough, and none other, shall have power to make the orders required by the said last-mentioned Act to be made by the Justices of the borough at the borough sessions.

XXV. That in every case in which it shall have been made to appear to the satisfaction of one of His Majesty's principal Secretaries of State that there is in any borough a gaol or house of correction fit for the confinement of prisoners, the council of such borough shall have the same powers of contracting, in the name of the body corporate whose council they are, with any body corporate having the government or ordering of such last-mentioned gaol or house of correction, in like manner as the Justices of the Peace have enacted concerning contracts with Justices of the Peace having authority or jurisdiction in and over county gaols and houses of correction; and all the provisions of the last-recited Act, 5 Geo. 4. c. 85, shall extend, or as nearly as may be, to all such contracts for the conveyance to and support and maintenance of offenders in such borough gaols or house of correction; and in case His Majesty shall have granted to the borough in which such gaol or house of correction shall be situate a separate Court of Quarter Sessions of the Peace, such offenders may be tried and sentenced by such court for all offences committed within the county, and punished accordingly; and all the provisions of the last-recited Act, 5 Geo. 4. c. 85, shall extend, or as nearly as may be, to the trial and punishment of such offenders, and to all costs, necessary, for such trial and punishment.

And after reciting that by 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales,' it was provided, that certain cities, towns, and places included in a certain Schedule (A.) to the said Act annexed should be taken to be within the provisions of the same: And that by 5 Geo. 4. c. 85, intituled, 'An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales,' so much of the last-recited Act as related to the cities of Canterbury, Lichfield, and Lincoln was repealed:—

It is therefore Enacted,

CXVI. That the council of every borough named in the last-mentioned Schedule (A.) (except the cities of Canterbury, Lichfield, and Lincoln) shall have within their borough all the powers (except in hearing and determining appeals against corrections) which any Justices of the Peace assembled at their General or Quarter Sessions in any county in England have within the limits of their commission by virtue of the said last recited Act or either of them, or as near thereto as the nature of the case will admit; and all things in the said last-recited Acts or either of them provided to be done at any General or Quarter Sessions of the Peace shall be done at some quarterly meeting of the council of such borough.

CXVII. That the treasurer of every county in England and Wales shall keep an account of all sums of money received in aid or on account of the county rate, and of the sum of money expended out of the county rate for other purposes than the costs arising out of the prosecution, maintenance, and punishment, conveyance and transport of offenders committed for trial in such county, and in the case of boroughs having a separate Court of Quarter Sessions of the Peace other than out of coroner's inquests, and shall, not more than twice in every year, send a copy of the said account to the council of every borough situate within such county in which a separate Court of Quarter Sessions of the Peace shall be holden, and which before the passing of the said Act, 2 & 3 Will. 4. c. 64, intituled, 'An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the Election of Members to serve in Parliament,' was chargeable with or liable to contribute in whole or in part to the county rate of such county, and shall make an order on the council of every such borough for the payment of such proportion of such sum as would have been chargeable, after deducting all sums of money received in aid of the county rate as aforesaid, if this Act had not passed, upon such borough as the same shall be bounded according to the provisions of this Act; and the council of such borough shall forthwith order the same, with all reasonable charges of making and sending the said account, to be paid to the treasurer of such county out of the borough fund; provided that in case any difference shall arise concerning the last-mentioned account it shall be decided by the arbitration of a barrister to be named as is provided in the case of differences with respect to the payment of monies under contracts made by authority of the said Act, 5 Geo. 4. c. 85, intituled, 'An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales.'

CXVIII. That in every borough in which by charter or custom there is or ought to be holden a court of record for the trial of civil actions not regulated by the provisions of any local Act of Parliament, or in which, at the time of the passing of the Act, a barrister of five years standing shall not act as Judge or assessor, the recorder, or in the absence of the recorder, or in case there shall not be a recorder, such officer of the borough as by the charter constituting such Court or by custom shall be the Judge of such Court, shall continue to be and act as such Judge; and the council of such borough in every case, whether such Court be regulated by the provisions of a local Act of Parliament or otherwise, shall have power for that purpose to appoint the necessary officer, other than the recorder, before whom such Court is to be holden; and every such Judge or assessor other than the mayor, shall hold his office during his good behaviour; and the Judge of every such Court shall hold his Court at such times and places, and with such rules of practice, and with the same powers and jurisdiction as he ought to hold his Court at the time of passing this Act: Provided always, that in every case in which such Court had been before the passing of this Act authority to try such actions as are hereinafter next mentioned any such Court in which a barrister of five years standing shall act as Judge or assessor shall have authority to try actions of assumpsit, covenant, and debt; whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels; provided the said or damages sought to be recovered shall not exceed 20*l.*, and all actions of ejectment between landlord and tenant wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed 20*l.*, and upon which no title shall have been reserved or made payable: Provided also, that every such Judge respectively from time to time may make rules regulating the practice of such Court over which he presides, but so that no such rules shall be of force until they shall have been allowed and confirmed by three or more Judges of the superior courts of common law at Westminster: Provided also that the jurisdiction of every court of record for the trial of civil actions within any borough shall be extended so far as the metes and bounds of every such borough as the same shall be and be declared under the provisions of this Act: Provided also that no action shall be tried by any such Judge, wherein the title to land, whether freehold, copyhold, or leasehold, or the tenure whatsoever, or to any tithe, toll, market, fair, or other franchise shall be in question, in any Court which before the passing of this Act had not authority to try actions in which such titles as last aforesaid were in question; and in case it did appear in the course of any action in such Court as last aforesaid, or shall be made to appear upon oath to such Court as last aforesaid that any such title as last aforesaid is in question in such action, that then the jurisdiction of such Court as last aforesaid in the matter of such action shall cease, and it shall be in the discretion of the Court to award costs against the party pleading the same.

CXIX. That the council of every borough in which there shall be holden a court of record for the trial of civil actions shall appoint a registrar of such Court, except in boroughs where the town clerk acts as such registrar, and such officers and servants as are necessary for carrying on the business and executing the process of such Court: provided that a registrar or other officer of such Court shall, by himself or any partner, or by his or their clerks, practice as an attorney in such Court, nor shall any such partner or clerk act as agent for any other attorney in such Court: Provided also, that any person qualified, as herein provided, every attorney of His Majesty's superior courts at Westminster shall have full power to practice as an attorney in every such Court.

That no writ or process in any court of record in any borough before the 1st of May 1836 shall abate by reason of any change that shall have been made in the constitution of such Court by the provisions of this Act, but that the same may continue to be heard and determined as if it had been commenced before such Judge.

XXIII. That every person, being a burgess of any borough wherein there shall be a separate Court of Sessions of the Peace, or a court of record for the trial of civil actions, (unless he shall be exempt or disqualified otherwise than in respect of property from serving on juries by virtue of an Act, 6 Geo. 4. c. 50, intitled, 'An Act for consolidating and amending the Laws relative to Jurors and Juries,') shall be qualified and liable to serve on grand juries in such borough, and also upon juries for the trial of all issues joined in any Court of Quarter Sessions of the Peace, and in any court of record for the trial of civil actions triable within the borough of which each person shall be a burgess; and the clerk of the peace of every such borough shall give public notice of the time and place of holding every such Quarter Sessions of the Peace ten days at the least before the holding thereof, and shall, seven days at the least before the holding thereof, cause to be summoned a sufficient number of persons, being qualified and liable as aforesaid, to serve as grand jurors at such Sessions; and the clerk of the peace and registrar of the court of record respectively shall also cause to be summoned not less than thirty-six nor more than sixty persons so qualified and liable as aforesaid to serve as jurors at every such Sessions, and at the holding of every such court of record for the trial of causes, in case there shall be any cause then to be tried; and such summons shall be made by shewing to the person to be summoned, or in case he shall be absent from the usual place of his abode by leaving with some person therein inhabiting, writ under the hand of such clerk of the Peace or registrar respectively containing the substance of such summons; and such clerk of the peace shall make out a list of the names of such persons so summoned as grand jurors, and the clerk of the peace and registrar respectively shall also make out a panel of such persons so summoned other than grand jurors, and such list and panel shall respectively contain therein the christian names and surnames, places of abode, and descriptions of the several persons therein named; and if any person, having been duly summoned to attend on any jury, shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the Court, the Court shall impose such fine upon every person so making default (unless some reasonable excuse shall be proved to the satisfaction of the Court) as the Court shall think meet; and if any person on whom such fine shall be imposed shall refuse to pay the same to the person who shall be authorized by the Court to receive the same, it shall be lawful for the Court then or at its next sitting, by order of the Court, signed by the clerk of the peace or registrar respectively, to cause to be levied, by distress and sale of the goods of the person on whom such fine shall have been imposed, every such fine, and the reasonable charges of such distress and sale; and every fine so received shall be paid to the treasurer of the borough, to be by him carried to the account of the borough fund hereinbefore mentioned: Provided nevertheless, that no person shall be summoned to serve as a juror at such Sessions or court of record oftener than once in one year.

XXIV. That after the passing of this Act every member of the council for the time being of every borough, and every Justice assigned to keep the peace therein, and the treasurer and town clerk for the time being of every such borough, shall be exempt and disqualified from serving on any jury summoned within such borough respectively, and exempt from serving on any jury summoned to serve in the county wherein such borough is situate; and all burgesses of every borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be exempt from serving on any jury summoned for the trial of issues joined in any Court of General or Quarter Sessions of the Peace in the county wherein such borough is situate.

XXV. That after the passing of this Act no person in any borough shall continue to be exempt from serving on juries in any of the King's courts of record at Westminster, or in the superior courts, civil or criminal, of the counties palatine of Lancaster and Durham, or in any Court of Assize, Nisi Prius, oyer and terminer, gaol delivery, or Sessions of the Peace, or in any other of the King's Courts, by virtue of any writ, grant, charter, prescription, or otherwise; and so much of an Act, 6 Geo. 4. c. 50, intitled, 'An Act for consolidating and amending the Laws relative to Jurors,' as provides that all persons in any borough exempt from serving upon juries in any of the Courts aforesaid, by virtue of any prescription, charter, grant, or writ, shall continue to have and enjoy such exemption in as ample a manner as before the passing of that Act, and shall not be inserted in the lists thereafter mentioned, shall be and the same is hereby repealed.

XXVI. That the council of every borough shall and they are hereby required, within six calendar months next after their election, to make and settle a table of the fees which shall be taken by the clerk of the peace in those boroughs in which a separate Court of Quarter Session of the Peace shall be holden, and in those boroughs to which a commission of the peace shall have been granted, a table of the fees to be taken by the clerk to the Justices, and in those boroughs in which there shall be a court of record, a table of the fees to be taken by the registrar and officers of such Court; and such tables of fees shall be submitted to one of His Majesty's principal Secretaries of State; and when such tables of fees shall be confirmed and allowed by such Secretary of State, either as such table shall have been submitted to him, or with such alterations, additions, or abatements as he shall think proper, the fees therein mentioned may thenceforth be lawfully taken by the person therein named to be entitled thereunto; and it shall be lawful for the council of such borough, from time to time, as occasion may require, to amend new tables of fees to be taken instead of the fees contained in the tables which shall have been made as aforesaid, which new tables shall be confirmed and allowed in the manner hereinbefore mentioned, otherwise the same shall be of no validity; and that until tables of the fees so to be taken in any such borough shall have been made and confirmed as aforesaid it shall be lawful for such clerk of the peace at the Quarter Sessions for any such borough, and such clerk to the Justices, to take the fees authorized by the table for the time being to be taken by the clerk of the peace at the Quarter Sessions and clerk to the Justices respectively for the county within or adjoining to which such borough is situated, and for the registrar and officers of such court of record to take the fees usually taken by them before the passing of this Act.

XXVII. That the town clerk of every borough shall cause a true copy of the tables of fees in force for the time being to be hung upon an appropriate part of the room in which the business of his office is transacted, and also in the room wherein the Justices of the Peace for the borough shall sit for transacting their business, and also in the room wherein the Court of Quarter Sessions of the Peace for the borough shall be held, and also in the court of record of the said borough.

XXV. That when by any Act any penalties or forfeitures are or shall hereafter be made recoverable in a summary manner before any Justice or Justices of the Peace, and by such Act respectively the same are or shall be limited and made recoverable by His Majesty, or to any body corporate, or to any person whomsoever, save and except the informer, who shall sue for the same, or any party aggrieved, in every such case the same, if recovered and adjudged before any Justice of any borough in which a separate Court of Quarter Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding anything in such Act respectively contained, be recovered for and adjudged to be paid to the treasurer of such borough for the time being, to the credit and account of the borough fund of such borough; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any other person than the said treasurer, unless such person be the informer or the party aggrieved; Provided always, that nothing herein contained shall extend to any penalties or forfeitures recovered under any Act relating to the Customs, Excise, and Post Office, or to trade or navigation, or any branch of His Majesty's revenue.

For the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act.

It is Enacted,

XXVII. That the prosecution for every such offence shall be commenced within three calendar months after the commission of the offence, and not otherwise; and that where any person shall be charged on the oath of a credible witness with any such offence before a Justice of the Peace the Justice may summon the party charged to appear before any two Justices of the Peace acting in and for the borough in which such offence shall have been committed, at a time and place to be named in such summons; and if such party shall not appear accordingly the Justices of the Peace then and there present (upon proof of the due service of the summons by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereof, and explaining the purport thereof to such inmate), may either proceed to hear and determine the case in the absence of the party, or may issue their warrant for apprehending and bringing such party before them, as they shall think proper.

XXVIII. That it shall be lawful for any Justice of the Peace acting in and for any borough to issue his summons requiring any person to appear before any such Justices of the Peace for the purpose of giving evidence touching any offence against this Act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the Justices of the Peace then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the Justices then and there present, every person so offending shall, on conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such sum of money not exceeding 5*l.* as to the convicting Justices shall seem meet; and no person, although liable to the rate contributing to the borough fund of any borough, shall be deemed an incompetent witness in proof of any offence against this Act by reason of any penalty or forfeiture for such offence being applicable to the rate of such borough fund; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to the rate contributing to the borough fund of any borough.

XXIX. That the Justices of the Peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act may adjudge that such person shall pay the same either immediately or within such period as the said Justices shall think fit; and in case such sum of money shall not be paid at the time so appointed the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned, with or without hard labour, in the common goal or house of correction, as to the convicting Justices shall seem meet, for any term not exceeding one calendar month where the sum to be paid shall not exceed 5*l.*, and for any term not exceeding two calendar months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

XXX. That the Justices of the Peace before whom any person shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other words to the like effect, as the Court may require; (that is to say,)

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____
 to wit, } in the Borough of _____ in the County of _____ A. O. is convicted before us, J. P. and
 J. P., Two of His Majesty's Justices of the Peace for the said County [or Borough, or otherwise, as the Case may be];
 that the said A. O. did [here specify the Offence, and the Time and Place when and where the same was committed, as the Case may
 be]; and we do adjudge that the said A. O. shall for the said Offence forfeit the Sum of _____ and shall pay the
 same immediately [or shall pay the same on or before the _____ Day of _____] to
 the Treasurer for the said Borough, to be by him applied according to the Directions of the Statute in that Case made and pro-
 vided. Given under our Hands the Day and Year first above mentioned.

XXXI. That any person who shall think himself aggrieved by any summary conviction in pursuance of this Act may appeal to the next Court of General or Quarter Sessions of the Peace to be holden not less than twelve days after such conviction in the county or for the borough wherein the cause of complaint shall have arisen, provided that such person shall give notice of his complaint a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or execute a recognizance, with a sufficient surety, before a Justice of the Peace, within such three days, or at any time during the same, on giving to the complainant three days' notice in writing of his intention so to do, and of the name, abode, and usual place of abode of his proposed surety, conditioned personally to appear at the said sessions, and to try such appeal, and abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given and such recognizance entered into the Justice before whom the same shall be entered into shall release the person from custody; and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and in case of the conviction of the

and the offender of the conviction shall order and adjudge the offender to be dealt with and punished according to the law, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

CXXIII. That no conviction, order, warrant, or other matter made or purporting to be made by virtue of this Act shall be questioned for want of form, or be removed by certiorari or otherwise into any of His Majesty's courts of record at Westminster, and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act the distress itself shall not be deemed unlawful, nor the party taking the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser at law on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

For the protection of persons acting in the execution of this Act,—

It is enacted,

CXXIV. That all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

CXXV. That the Courts of Quarter Sessions of the Peace of the towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall have jurisdiction over offences and matters committed, arising, and happening as well within the boundaries of such towns and ports and ancient town respectively as within the ancient members and liberties not being corporate of the same respectively, and also within the towns named in the Schedule to this Act which are ancient corporate members and liberties of the said towns and ports and ancient town respectively, and to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace; and also any or either of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and ancient town of Rye, to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and their or its members and liberties, shall for all purposes relating to the jurisdiction of Courts of Quarter Sessions of the Peace be respectively within the jurisdiction of the Courts of Quarter Sessions of the Peace of the nearest other of the said towns and ports or ancient town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace; and the recorders, clerks of the peace, and coroners of the said towns and ports and ancient town respectively, or of such of them to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace respectively, shall and may have and exercise the same jurisdiction, powers, and authorities within all places within or subject to the jurisdiction of such courts respectively, as within the said ancient towns and ports and ancient town respectively at which they are or may be appointed recorders, clerks of the peace, or coroners.

CXXVI. That the Justices of the Peace of the towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town as shall have Justices of the Peace assigned to them by virtue of this Act, shall and may have and exercise the same jurisdiction, powers, and authorities over offences and matters committed, arising, and happening within the ancient members and liberties not being corporate of such towns and ports and ancient town respectively, as such Justices shall and may have and exercise within the towns and ports and ancient town respectively, which they are or may be respectively Justices of the Peace; and also His Majesty's Justices of the Peace, acting under the authority of a commission or commissions, issued by virtue of an Act, 51 Geo. 3. c. 36, intitled, 'An Act to facilitate the Execution of Justice within the Cinque Ports,' shall and may have and exercise all the jurisdiction, powers, and authorities given to such Justices by such Act of Parliament, as well within the members and liberties not being corporate of the said towns and ports and ancient town respectively as within the said towns named in the Schedules to this Act being corporate members and liberties thereof, or any of them, or any of the said towns and ports and ancient town which shall not have Justices of the Peace assigned to them by virtue of this Act: Provided always, that nothing herein contained shall affect the liability of all inhabitants and householders within any of the members and liberties of the cinque ports and ancient towns thereof, not being corporate, to serve on juries at Quarter Sessions as heretofore.

CXXVII. Provided, That nothing contained in this Act shall alter or affect certain letters patent bearing date 5. Edward 6. relating to a free grammar school at Louth, in the county of Lincoln, and creating a body corporate for the management and government thereof, and for the benefit of twelve poor persons mentioned in the said letters patent, by the name of the "Warden and six Assistants of the Town of Louth and Free School of King Edward the Sixth in Louth;" but that the said warden and assistants shall continue and be a body corporate with perpetual succession under the provisions of the said letters patent, for the management and regulation of the said school and the purposes aforesaid only, and shall remain and be seized of and entitled to all lands, tenements, and hereditaments now vested in them for the purposes therein mentioned, in the same manner as if this Act had not been passed.

CXXVIII. That nothing in this Act contained shall be construed to alter or affect the rights or privileges, duties or liabilities, of the governing masters, and scholars of the Universities of Oxford or Cambridge respectively, as by law possessed under the respective charters of the said Universities or otherwise, or to entitle any person to be enrolled a citizen of the city of

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Oxford or burgess of the borough of Cambridge, by reason of his occupation of any rooms, chambers, or premises in any of the colleges or halls of the Universities of Oxford or Cambridge, or either of them, or to compel any resident member of either of the said Universities to accept any office in or under the body corporate of the mayor and citizens of the city of Oxford or of the mayor and burgesses of the borough of Cambridge, or to authorize the levy of any rate within the precincts of the said Universities, or of any of the colleges or halls of the same, which now by law cannot be levied therein.

XXXXVIII. That all the jurisdictions and authorities now exercised in and over the precinct or close of any cathedral shall be continued, as if this Act had not been passed, concurrently with the jurisdiction and authority of the Justices of the Peace of the borough within which such close is situated; and that nothing herein contained shall affect or interfere with the rights and privileges granted by charter or Act of Parliament to the University of Durham.

XXXXIX. That in every case in which any body corporate, or any particular class, number, or description of members, or the governing body of any body corporate, now is or are in their corporate capacity, and not as charitable trustees, according to the meaning and provisions of this Act, seised or possessed of any manors, lands, tenements, or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendant or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment, every such advowson and every such right of nomination and presentation shall be sold at such time and in such manner as the Commissioners appointed by His Majesty to consider the state of the Established Church in England and Wales with reference to ecclesiastical duties and revenues may direct, so that the best price may be obtained for the same; and it shall be lawful for the council of such body corporate, and they are hereby authorized and required, with the consent of the said Commissioners or any three or more of them, in writing under their hands, to convey and assure under the common seal of such body corporate such advowson or such right of nomination or presentation as aforesaid to the purchaser or purchasers thereof respectively, his or their heirs, executors, administrators, and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the treasurer of the borough, whose receipt shall be a sufficient and effectual discharge to the purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money, and shall be by him invested in government securities for the use of the body corporate, and the annual interest payable thereon shall be carried to the account of the borough fund; Provided always, that in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the Bishop or ordinary of the diocese in which such benefice or ecclesiastical preferment is situated.

And after reciting that it may happen that the several provisions of this Act cannot be carried into effect within the several periods in the present year hereinbefore specified and limited in that behalf:

It is Enacted,

CXL. That it shall be lawful for His Majesty, if he shall think fit, by the advice of his Privy Council, to order any days or times before the 1st of February next for doing the several matters required or authorized by this Act to be done, in lieu of the several days and times for the present year hereinbefore specified, or any of them; and in such case all matters mentioned in such order shall be done on and within such days and times as shall be mentioned respectively in that behalf in such order; and if the days and times mentioned in such order had in every instance been mentioned in this Act instead of the days and times hereinbefore respectively mentioned in that behalf, and not otherwise: Provided always, that nothing herein contained shall authorize His Majesty to appoint any days or times other than are hereinbefore specified for any matters required or authorized by this Act to be done after the expiration of this present year: Provided also, that no person shall be entitled to be entered in the burgess roll of any borough in this present year unless he would have been entitled on the last day of August in the year to have his name included in some overseer's list, if such list had been made out on the 5th of September in this year.

And after reciting that sundry towns and boroughs of England and Wales are not towns corporate, and it is expedient that several of them should be incorporated:

It is Enacted,

CXLI. That if the inhabitant householders of any town or borough in England and Wales shall petition His Majesty to grant to them a charter of incorporation, it shall be lawful for His Majesty, by any such charter, if he shall think fit, by the advice of his Privy Council, to grant the same, to extend to the inhabitants of any such town or borough within the district to be set forth in such charter the powers and provisions in this Act contained: Provided nevertheless, that notice of every such petition, and of the time when it shall please His Majesty to order that the same be taken into consideration by his Privy Council, shall be published by royal proclamation in the London Gazette one month at least before such petition shall be considered.

CXLII. That in the construction of this Act the word "Borough" shall be construed to mean city, borough, port, district, or town corporate, named in one of the said Schedules (A.) and (B.); and the words "Body Corporate" shall be construed to mean body corporate named in one of the said Schedules (A.) and (B.); and the word "Burgess" shall be construed to mean citizen in the case of a city; and the word "County" shall be construed to mean county, riding, parts, liberty, or division; and the word "Trustees" shall be construed to mean trustees, commissioners, or directors, or the persons charged with the execution of a trust or public duty, by whatever name they are designated; and the word "Parish" shall be construed to mean parish, township, vill, hamlet, chapelry, tithing, district, precinct, or place, maintaining its own poor; and the words "Overseers of the Poor" shall be construed to mean all persons who execute the duties of overseers of the poor; and that in all things hereinbefore provided to be done, until the first election of councillors in any borough under this Act, shall have been declared, the word "Mayor" shall be construed to mean the chief officer of a borough, by whatever name he is called; and in describing any person or thing, any word importing the singular number shall be construed to mean several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any person, body corporate, or place named in any Schedule to this Act

nothing in this Act, or any other Act, relating to the election of members of Parliament, shall hinder the full operation of this Act with respect to any person, body corporate, or place, provided that the description of such person, body corporate, or place be such as to be commonly understood.

EXLIII. That this Act may be altered or amended by any Act to be passed in this present session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A).

ENGLAND AND WALES.

BOROUGHES which are to have a COMMISSION OF THE PEACE.

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	After- noon. tillows.	Style of Corporate Body.
Aberystwith	0	4	12 Mayor and burgesses of the town, borough, and liberty of Aberystwith.
Abingdon	0	4	12 Mayor, bailiffs, and burgesses of the borough of Abingdon.
Barnstaple	2	6	18 Mayor, aldermen, and burgesses of the borough and parish of Barnstaple in the county of Devon.
Bath	7	14	42 Mayor, aldermen, and citizens of the city of Bath.
Bedford	2	6	18 Mayor, bailiffs, and burgesses of the town of Bedford.
Berwick-upon-Tweed	3	6	18 Mayor, bailiffs, and burgesses of the borough of Berwick-upon-Tweed.
Bridgewater	2	6	18 Mayor, aldermen, and burgesses of the borough of Bridgewater.
Bridport	2	6	18 Bailiffs and burgesses of the borough of Bridport.
Bristol	10	16	48 Mayor, burgesses, and commonalty of the city of Bristol.
Bury St. Edmunds	3	6	18 Aldermen and burgesses of Bury St. Edmunds in the county of Suffolk.
Cambridge	5	10	30 Mayor, bailiffs, and burgesses of the borough of Cambridge.
Canterbury	3	6	18 Mayor and commonalty of the city of Canterbury.
Cardiff	2	6	18 Bailiffs, aldermen, and burgesses of the town of Cardiff.
Carlisle	5	10	30 Mayor, aldermen, bailiffs, and citizens of the city of Carlisle.
Carmarthen	3	6	18 Mayor, burgesses, and commonalty of the borough of Carmarthen.
Caernarvon	2	6	18 Mayor, bailiffs, and burgesses of the town and borough of Caernarvon.
Chester	5	10	30 Mayor and citizens of the city of Chester.
Chichester	2	6	18 Mayor, aldermen, and citizens of the city of Chichester.
Colchester	3	6	18 Mayor and commonalty of the borough of Colchester.
Dartmouth	0	4	12 Mayor, bailiffs, and burgesses of the borough of Clifton Dartmouth Hardness, in the county of Devon.
Denbigh	0	4	12 Aldermen, bailiffs, and burgesses of the borough of Denbigh.
Derby	6	12	36 Mayor, aldermen, and burgesses of the borough of Derby.
Devizes	2	6	18 Mayor and burgesses of the borough of Devizes.
Dorchester	0	4	12 Mayor, bailiffs, aldermen, and burgesses of the borough of Dorchester, in the county of Dorset.
Dover	3	6	18 Mayor, jurats, and commonalty of the town and port of Dover.
Durham	3	6	18 Mayor, aldermen, and commonalty of the city of Durham and Framwelgate.
Evesham	0	4	12 Mayor, aldermen, and burgesses of the borough of Evesham.
Gateshead	3	6	18 Boroughholders and freemen of the borough of Gateshead.
Gloucester	3	6	18 Mayor and burgesses of the city of Gloucester in the county of the city of Gloucester.
Guldeford	0	4	12 Mayor and burgesses of the town of Guldeford in the county of Surrey.
Harwich	0	4	12 Mayor and burgesses of the borough of Harwich.
Haverfordwest	0	4	12 Mayor, sheriffs, bailiffs, and burgesses of the county of the town of Haverfordwest, or of the town and county of the town of Haverfordwest.
Hereford	3	6	18 Mayor, aldermen, and citizens of the city of Hereford.
Hertford	0	4	12 Mayor, aldermen, and commonalty of the borough of Hertford.
Ipswich	5	10	30 Bailiffs, burgesses, and commonalty of the town or borough of Ipswich.
Kendal	3	6	18 Mayor, aldermen, and burgesses of the borough of Kirby-in-Kendal in the county of Westmorland.

Borough.	Wards.	Aldermen.	Citizens.	Style of Corporate Body.
Kidderminster	8	6	18	High bailiff and commonalty of the borough of Kidderminster in the county of Worcester.
Kingston-upon-Hull ..	7	14	42	Mayor and burgesses of the town or borough of Kingston-upon-Hull.
King's Lynn	8	6	18	Mayor and burgesses of the borough of Lynn Regis.
Leeds	12	16	48	Mayor, aldermen, and burgesses of the borough of Leeds in the county of York.
Leicester	7	14	42	Mayor, bailiff, and burgesses of the borough of Leicester.
Leominster	0	4	12	Bailiffs and burgesses of the borough of Leominster.
Lichfield	2	6	18	Bailiff and citizens of the city of Lichfield.
Liverpool	16	16	48	Mayor, bailiffs, and burgesses of the borough of Liverpool.
Macclesfield	6	12	36	Mayor, aldermen, and burgesses of the borough of Macclesfield.
Monmouth	0	4	12	Mayor, bailiffs, and commonalty of the town and borough of Monmouth.
Neath	0	4	12	Portreeve, aldermen, and burgesses of the borough of Neath.
Newark	8	6	18	Mayor and aldermen of the borough of Newark in the county of Nottingham.
Newcastle-under-Lyne	2	6	18	Mayor, bailiffs, and burgesses of Newcastle-under-Lyne in the county of Stafford.
Newcastle-upon-Tyne	7	14	42	Mayor and burgesses of the town of Newcastle-upon-Tyne in the county of the town of Newcastle-upon-Tyne.
Newport, Monmouth..	2	6	18	Mayor, aldermen, and burgesses of the borough of Newport.
Newport (Isle of Wight)	2	6	18	Mayor, aldermen, and chief burgesses of the borough of Newport in the Isle of Wight in the county of Southampton.
Northampton	3	6	18	Mayor, bailiffs, and burgesses of Northampton.
Norwich	8	16	48	Mayor, sheriffs, citizens, and commonalty of the city of Norwich.
Nottingham	7	14	42	Mayor and burgesses of the town of Nottingham.
Oxford	5	10	30	Mayor, bailiffs, and commonalty of the city of Oxford in the county of Oxford.
Pembroke	2	6	18	Mayor, bailiffs, and burgesses of the town and borough of Pembroke.
Poole	2	6	18	Mayor, bailiffs, burgesses, and commonalty of the town of Poole.
Portsmouth	7	14	42	Mayor, aldermen, and burgesses of the borough of Portsmouth, in the county of Southampton.
Preston	6	12	36	Mayor, bailiffs, and burgesses of the borough of Preston in the county palatine of Lancaster.
Reading	3	6	18	Mayor, aldermen, and burgesses of the borough of Reading in the county of Berks.
Ripon	0	4	12	Mayor, burgesses, and commonalty of the borough of Ripon in the county of York.
Rochester	3	6	18	Mayor and citizens of the city of Rochester in the county of Kent.
St. Albans	0	4	12	Mayor and aldermen and burgesses of the borough of St. Albans in the county of Hertford.
Sarum, New	3	6	18	Mayor and commonalty of the city of New Sarum in the county of Wilts.
Scarborough	2	6	18	Bailiffs and burgesses of the town of Scarborough.
Shrewsbury	5	10	30	Mayor, aldermen, and burgesses of the town of Shrewsbury, in the county of Salop.
Southampton	5	10	30	Mayor, bailiffs, and burgesses of the town of Southampton.
Stafford	2	6	18	Mayor, aldermen, and burgesses of the borough of Stafford.
Stamford	2	6	18	Mayor, aldermen, and capital burgesses of the town or borough of Stamford in the county of Lincoln.
Stockport	7	14	42	Mayor, aldermen, and burgesses of the borough of Stockport.
Sudbury	0	4	12	Mayor, aldermen, and burgesses of the borough of Sudbury.
Sunderland	7	14	42	Mayor, aldermen, and commonalty of the borough of Sunderland.
Swansea	8	6	18	Portreeve, aldermen, and burgesses of the borough of Swansea.
Tiverton	3	6	18	Mayor and burgesses of the town and parish of Tiverton in the county of Devon.
Truro	2	6	18	Mayor, aldermen, and capital burgesses of the borough of Truro.
Warwick	2	6	18	Mayor, aldermen, and burgesses of the borough of Warwick.
Wells	0	4	12	Mayor, masters, and burgesses of the city or borough of Wells in the county of Somerset.
Weymouth and Melcombe Regis.	2	6	18	Mayor, aldermen, bailiffs, burgesses, and commonalty of the borough and town of Weymouth and Melcombe Regis in the county of Dorset.
Wigan	5	10	30	Mayor, aldermen, and burgesses of the borough of Wigan.
Winchester	3	6	18	Mayor, bailiffs, and commonalty of the city of Winchester.
Windsor	2	6	18	Mayor, bailiffs, and burgesses of the borough of New Windsor in the county of Berks.
Worcester	6	12	36	Mayor, aldermen, and citizens of the city of Worcester.
Yarmouth, Great	6	12	36	Mayor, aldermen, burgesses, and commonalty of the borough of Great Yarmouth in the county of Norfolk.

SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Wards.	Aldermen.	Common-councilors.	Style of Corporate Body.
Andover	4	12	Bailiff, approved men, and burgesses of the borough of Andover.
Banbury	0	4	12 Mayor, aldermen, and burgesses of the borough of Banbury in the county of Oxford.
Beverley	2	6	18 Mayor, aldermen, and burgesses of the borough of Beverley in the county of York.
Bewdley	0	4	12 Bailiffs, burgesses, and inhabitants of the town and borough of Bewdley.
Bideford	0	4	12 Mayor, aldermen, and capital burgesses of the borough, town, and manor of Bideford in the county of Devon.
Boston	3	6	18 Mayor, aldermen, and burgesses of the borough of Boston.
Brecon	0	4	12 Bailiff, aldermen, and burgesses of the borough of Brecon.
Bridgenorth	0	4	12 Bailiffs, aldermen, and burgesses of the borough of Bridgnorth.
Clitheroe	0	4	12 Bailiffs and burgesses of the borough of Clitheroe in the county of Lancaster.
Chesterfield	0	4	12 Mayor, aldermen, and burgesses of the borough of Chesterfield.
Congleton	3	6	18 Mayor, aldermen, and burgesses of the borough of Congleton in the county of Chester.
Coventry	6	12	36 Mayor, bailiffs, and commonalty of the city of Coventry.
Deal	2	6	18 Mayor, jurats, and commonalty of the town of Deal in the county of Kent.
Doncaster	3	6	18 Mayor, aldermen, and burgesses of the borough of Doncaster in the county of York.
Exeter	6	12	36 Mayor, bailiffs, and commonalty of the city of Exeter.
Falmouth	0	4	12 Mayor, aldermen, and burgesses of the town of Falmouth in the county of Cornwall.
Grantham	0	4	12 Aldermen and burgesses of the town and borough of Grantham.
Gravesend	2	6	18 Mayor, jurats, and inhabitants of the villages and parishes of Gravesend and Melton in the county of Kent.
Grimaby	0	4	12 Mayor and burgesses of the town of Grimaby in the county of Lincoln.
Hastings	3	6	18 Mayor, jurats, and commonalty of the town and port of Hastings in the county of Sussex.
Kingston-upon-Thames	3	6	18 Bailiffs and freemen of the borough of Kingston-upon-Thames.
Lancaster	3	6	18 Mayor, bailiffs, and commonalty of the town of Lancaster in the county palatine of Lancaster.
Lincoln	3	6	18 Mayor, sheriffs, citizens, and commonalty of the city of Lincoln.
Liskeard	0	4	12 Mayor and burgesses of the borough of Liskeard otherwise Liskeard in the county of Cornwall.
Louth	2	6	18 Warden and six assistants of the town of Louth and Free School of King Edward the Sixth in Louth.
Ludlow	0	4	12 Bailiffs, burgesses, and commonalty of the town and borough of Ludlow.
Maldstone	3	6	18 Mayor, jurats, and commonalty of the King's town and parish of Maldstone in the county of Kent.
Maldon	0	4	12 Mayor, aldermen, and capital burgesses and commonalty of Maldon.
Newbury	0	4	12 Mayor, aldermen, and burgesses of the borough of Newbury.
Oswestry	2	6	18 Mayor, aldermen, common councilmen, and burgesses of Oswestry.
Penzance	2	6	18 Mayor, aldermen, and commonalty of the town of Penzance in the county of Cornwall.
Plymouth	6	12	36 Mayor and commonalty of the borough of Plymouth.
Pontefract	0	4	12 Mayor, aldermen, and burgesses of the borough or town of Pontefract.
Richmond	0	4	12 Mayor and aldermen of the borough of Richmond in the county of York.
Romsey	0	4	12 Mayor, aldermen, and burgesses of the town of Romsey infra in the county of Southampton.
St. Ives	0	4	12 Mayor and burgesses of the borough of St. Ives.
Saffron Walden	0	4	12 Mayor and aldermen of the town of Saffron Walden in the county of Essex.
Stockton	2	6	18 Mayor, aldermen, burgesses, and commonalty of the borough of Stockton.
Tewkesbury	0	4	12 Bailiffs, burgesses, and commonalty of the borough of Tewkesbury in the county of Gloucester.
Walsall	3	6	18 Mayor and commonalty of the borough and foreign of Walsall in the county of Stafford.
Welchpool	0	4	12 Bailiffs and burgesses of the borough of Poole in the county of Montgomery.
Wenlock	3	6	18 Burgesses of the borough of Wenlock.
Wisbech	2	6	18 Burgesses of the borough of Wisbech.
York	6	12	36 Mayor and commonalty of the city of York.

SCHEDULE (B.)

ENGLAND AND WALES.

BOROUGHs which are not to have a **COMMISSION** of the **PEACE** unless on **Petition** and **Grant**.

SECTION 1.—**PARLIAMENTARY BOUNDARIES** to be taken until altered by **Parliament**.

Borough.	Wards.	Aldermen.	Common-councilors.	Style of Corporate Body.
Arundel	0	4	12	Mayor and burgesses of the borough of Arundel.
Beaumaris	0	4	12	Mayor, bailiff, and burgesses of the borough of Beaumaris.
Cardigan	0	4	12	Mayor, common council, and burgesses of the town and borough of Cardigan.
Llanidloes	0	4	12	Mayor and burgesses of the borough of Llanidloes.
Pwllheli	0	4	12	Mayor, bailiffs, and burgesses of the borough of Pwllheli.
Ruthin	0	4	12	Aldermen and burgesses of the borough of Ruthin.
Tenby	0	4	12	Mayor, bailiffs, and burgesses of the borough of Tenby.
Thetford	0	4	12	Mayor and burgesses of the borough of Thetford.
Totnes	0	4	12	Mayor and burgesses of the borough of Totnes in the county of Devon.

SECTION 2.—**MUNICIPAL BOUNDARIES** to be taken until altered by **Parliament**.

Basingstoke	0	4	12	Mayor, aldermen, and burgesses of the town of Basingstoke in the county of Southampton.
Beccles	0	4	12	Portreeve, surveyors, and commonalty of the fen of Beccles in the county of Suffolk.
Blandford Forum	0	4	12	Bailiff and burgesses of the borough of Blandford Forum in the county of Dorset.
Bodmin	0	4	12	Mayor and burgesses of the borough of Bodmin in the county of Cornwall.
Buckingham	0	4	12	Bailiff and burgesses of the borough and parish of Buckingham in the county of Buckingham.
Calne	0	4	12	Guild, stewards and burgesses in the borough of Calne.
Chard	0	4	12	Portreeve and burgesses of the borough of Chard in the county of Somerset.
Chippingham	0	4	12	Bailiffs and burgesses of the borough of Chippingham in the county of Wilt.
Chipping Norton	0	4	12	Bailiffs and burgesses of the borough of Chipping Norton in the county of Oxford.
Daventry	0	4	12	Bailiffs, burgesses, and commonalty of the borough of Daventry in the county of Northampton.
Droitwich	0	4	12	Bailiffs and burgesses of the borough of Wych otherwise Droitwich in the county of Worcester.
Eye	0	4	12	Bailiff, burgesses, and commonalty of the town and burgh of Eye.
Faversham	0	4	12	Mayor, jurats, and commonalty of the town of Faversham.
Folkestone	0	4	12	Mayor, jurats, and commonalty of the town of Folkestone.
Flint	0	4	12	Mayor, bailiffs, and burgesses of the borough of Flint.
Glastonbury	0	4	12	Mayor and burgesses of the town of Glastonbury in the county of Somerset.
Godalming	0	4	12	Warden and inhabitants of the town of Godalming.
Godmanchester	0	4	12	Bailiffs, assistants, and commonalty of the borough of Cirencester alias Godmanchester.
Helstone	0	4	12	Mayor and commonalty of the borough of Helston.
Huntingdon	0	4	12	Mayor, aldermen, and burgesses of the borough of Huntingdon.
Hythe	0	4	12	Mayor, jurats, and commonalty of the town and port of Hythe in the county of Kent.
Launceston	0	4	12	Mayor and commonalty of the borough of Dunneheved otherwise Launceston.
Llandovery	0	4	12	Bailiff and burgesses of the borough of Llanythtervey.
Lyme Regis	0	4	12	Mayor and burgesses of the borough of Lyme in the county of Dorset.
Lymington	0	4	12	Mayor and burgesses of the borough of Lymington.
Maidenhead	0	4	12	Mayor, bridgemasters, and burgesses of the town of Maidenhead.
Marlborough	0	4	12	Mayor and burgesses of the borough and town of Marlborough in the county of Wilt.
Morpeth	0	4	12	Bailiffs and burgesses of the borough of Morpeth in the county of Northumberland.
Penryn	0	4	12	Mayor and burgesses of Penryn in the county of Cornwall.
Retford, East	0	4	12	Bailiffs and burgesses of East Retford in the county of Nottingham.
Rye	0	4	12	Mayor, jurats, and commonalty of the ancient town of Rye.
Sandwich	0	4	12	Mayor, jurats, and commonalty of the town and port of Sandwich in the county of Kent.

Borough.	Wards.	Aldermen.	Common-cillors.	Style of Corporate Body.
Shaftesbury	0	4	12	Mayor and burgesses of the borough of Shafton otherwise Shaftesbury in the county of Dorset.
South Wold	0	4	12	Bailiffs, aldermen, and burgesses of the borough of South Wold.
South Molton	0	4	12	Mayor and burgesses of the borough and parish of South Molton in the county of Devon.
Stratford-on-Avon	0	4	12	Mayor, aldermen, and burgesses of the borough of Stratford-upon-Avon.
Tamworth	0	4	12	Bailiffs and commonalty of the borough of Tamworth.
Tenterden	0	4	12	Mayor, jurats, and commons of the town and hundred of Tenterden in the county of Kent.
Torrington	0	4	12	Mayor, aldermen, and burgesses of the borough and town of Great Torrington in the county of Devon.
Wallingford	0	4	12	Mayor, burgesses, and commonalty of the borough of Wallingford.
Wycombe, Chepping ..	0	4	12	Mayor, bailiffs, and burgesses of the borough of Chipping Wycombe (otherwise Wilcombe) in the county of Buckingham.

SCHEDULE (C.)

Berwick-upon-Tweed.
Bristol.
Chester.
Exeter.
Kingston-upon-Hull.
Newcastle-upon-Tyne.

Northumberland.
Gloucestershire.
Cheshire.
Devonshire.
Yorkshire.
Northumberland.

SCHEDULE (D.)

No. 1.

THE LIST OF BURGESSES of the Borough of

in the Parish [or Township] of

Christian Name and Surname of each Person at full Length.	Nature of the Property rated.	Street, Lane, or other Place in this Parish [or Township] where the Property is situated for which he is now rated.
Ashton, John - - -	Shop -	No. 23, Church Street.
Bates, Thomas - - -	House -	- - - Brook's Farm.

(Signed) A. B. } Overseers of the said Parish
C. D. } [or Township].

No. 2.

NOTICE OF CLAIM.

To the Town Clerk of the Borough of

I HEREBY give you Notice, That I claim to have my Name inserted in the Burgess List of the Borough of
that I occupy [here describe the House, Warehouse, Counting-house, or Shop then occupied by the Claimant]
in the Borough, and that I have been rated in the Parish of [here state the Parish or several Parishes,
and the Time during which the Claimant has been rated in each of them within the Borough, necessary for his Qualification.]
on the Day of in the Year

(Signed) John Allen, of [Place of Abode].

No. 3.

NOTICE OF OBJECTION.

To the Town Clerk of the Borough of

[or to the Person objected to, as the Case may be.]

I HEREBY give you Notice, That I object to the Name of Thomas Bates of Brook's Farm in the Parish of
 [describe the Person objected to as described in the Burgess List] being retained on the Burgess List
 of the Borough of
 Dated the Day of in the Year

(Signed) John Ashton, of [here state the Place of Abode and Property
 for which he is said to be rated in the
 Burgess List.]

No. 4.

LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted on the Burgess List of the Borough of

Christian Name and Surname of each Claimant.	Nature of the Property for which he is now rated.	Situation of the Property for which he is now rated.	Parish [or Parishes] in which he has been rated, as stated in the Claim.
Allen, John - - - - -	House -	No. 17, High Street.	Rated in the last Year in Saint Mary's Parish in the Borough, and in the Two preceding Years in Saint James's Parish in the Borough.
			(Signed) A. B. Town Clerk.

No. 5.

LIST OF PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have their Names retained on the Burgess List of the Borough of

Christian Name and Surname of each Person objected to.	Nature of the Property for which he is now rated.	Situation of the Property for which he is said to be now rated in the Overseer's List.	Parish in which is the Property for which he is now said to be rated in the Overseer's List.
Bates, Thomas - - - - -	House	Brook's Farm - - - - -	Saint James'.
			(Signed) A. B. Town Clerk.

SCHEDULE (E.)

ABINGDON.—Act for better paving, lighting, watching, and otherwise improving the Town of Abingdon in the County of Berks, for removing Nuisances, Annoyances, and Encroachments therein, and for preventing the same in future.

[6 Geo. 4. c. 189.]

ARUNDEL.—Act for the better paving, cleansing, and lighting the Streets, Lanes, Ways, and passages within the Borough of Arundel in the County of Sussex, and for removing and preventing Encroachments, Obstructions, and Annoyances therein.

[25 Geo. 3. c. 90.]

BANBURY.—Act for paving, cleansing, lighting, watching, and otherwise improving the several Streets, Lanes, public Passages and Places in the Borough of Banbury in the County of Oxford.

[5 Geo. 4. c. 130.]

BARNET.—Act for paving, improving, and regulating the Streets and public Places in the Borough and Parish of Barnet, and for better Regulation of the present Markets, and providing others therein.

[51 Geo. 3. c. 854.]

BASINGSTOKE.—Act for paving the Footways and Crosspaths, and lighting, watching, cleansing, widening, and otherwise improving the Streets, Lanes, and other public Passages and Places in the Town of Basingstoke in the County of Southampton. [55 Geo. 3. c. 7.]

BATH.—Act for paving, cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and public Places within such part of the Parish of Walcot in the County of Somerset as is not within the Circuit, Precinct, and Jurisdiction of the City of Bath in the same County; and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein; and for licensing and regulating Hackney Coaches, Chairs, Porters, Basket Men, and Basket Women within the said City of Bath, and a certain Distance thereof. [33 Geo. 3. c. 89.]

Act for paving, steaming, cleansing, watering, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and public Places within the Parish of Bathwick in the County of Somerset, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein. [41 Geo. 3. c. 126.]

Act for better paving, cleansing, lighting, watching, regulating, and improving the City of Bath, and the Liberties and Precincts thereof. [54 Geo. 3. c. 105.]

Act to amend an Act of His late Majesty, for paving, cleansing, lighting, watching, and regulating the Streets and public Places within such part of the Parish of Walcot in the County of Somerset as is not within the City of Bath. [6 Geo. 4. c. 74.]

BECCLES.—Act for paving, lighting, cleansing, and otherwise improving the Streets and other public Passages and Places within the Town of Beccles in the County of Suffolk. [36 Geo. 3. c. 51.]

BEDFORD.—Act for the Improvement of the Town of Bedford in the County of Bedford, and for rebuilding the Bridge over the River Ouze in the said Town. [43 Geo. 3. c. 128.]

Act for amending and enlarging the Powers of an Act of His present Majesty, intituled 'An Act for the Improvement of the Town of Bedford in the County of Bedford, and for rebuilding the Bridge over the River Ouze in the said Town.' [50 Geo. 3. c. 82.]

BERWICK-UPON-TWEED.—Act for lighting the Streets and Lanes of the Borough of Berwick-upon-Tweed, and the Quays and Wharfs belonging to the said Borough, and that Part of the Bridge over the River Tweed which lies within the Liberties of the said Borough, and also the Street of Castlegate within the said Borough or the Liberties thereof; and for paving the Footpaths of the Streets of the said Borough and of Castlegate aforesaid; and for preventing Obstructions, Nuisances, and Annoyances therein. [40 Geo. 3. c. 25.]

BEVERLEY.—Act for lighting, watching, and regulating the Streets and Lanes and other public Passages and Places in the Town of Beverley in the County of York. [48 Geo. 3. c. 87.]

Act to amend and enlarge the Powers of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, for lighting, watching, and regulating the Streets, Lanes, and other public Passages and Places within the Town of Beverley in the County of York. [6 Geo. 4. c. 138.]

BOSTON.—Act for lighting and watching the Streets, Lanes, and other public Passages and Places within the Borough of Boston in the County of Lincoln, and for removing and preventing Nuisances, Annoyances and Obstructions therein. [16 Geo. 3. c. 25.]

Act for the better paving, cleansing, and otherwise improving the Borough of Boston in the County of Lincoln. [32 Geo. 3. c. 80.]

Act for amending and rendering more effectual an Act passed in the Thirty-second Year of His present Majesty, for better paving, cleansing, and otherwise improving the Borough of Boston in the County of Lincoln. [46 Geo. 3. c. 40.]

Act for amending and rendering more effectual an Act passed in the sixteenth year of His present Majesty, for lighting and watching the Streets, Lanes, and other public Passages and Places within the Borough of Boston in the County of Lincoln, and for removing and preventing Nuisances therein. [46 Geo. 3. c. 41.]

BRECKNOCK.—Act for supplying the Borough and Town of Brecknock, and Liberties thereof, with Water; and for paving, cleansing, regulating, and lighting the Streets, Lanes, and public Passages there; and for widening and making commodious some of the said Streets, Lanes, and Passages. [16 Geo. 3. c. 56.]

BRIDGEWATER.—Act to enlarge the Market House and regulating the Markets within the Borough of Bridgewater in the County of Somerset; for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the said Borough or adjacent thereto; and for the Improvement thereof. [7 Geo. 4. c. 7.]

BRIDPORT.—Act for taking down the Market House in the Borough of Bridport in the County of Dorset, and rebuilding the same, together with a Session or Court House, in a more convenient Situation; for removing the Shambles or Butchers' Row; for paving, cleansing, lighting, and watching the said Borough; for removing and preventing Nuisances and Annoyances; and for prohibiting the covering of any new Houses or Buildings within the Borough with Thatch. [25 Geo. 3.]

BRISTOL.—Act for the better preserving the Navigation of the Rivers Avon and Frome, and for cleansing, paving, and lighting the Streets of the City of Bristol. [11 Will. 3. c. 23.]

Act for making more effectual an Act passed in the eleventh and twelfth Years of the Reign of King William the Third, for the better preserving the Navigation of the Rivers Avon and Frome, and for cleansing, paving, and enlightening the Streets of the City of Bristol, so far as the same Act relates to the paving and enlightening the said Streets; and for the

regulating Hackney Coachmen, Haliere, Draymen, and Carters, and the Markets and Sellers of Hay and Straw, within the said City and Liberties thereof. [22 Geo. 2.]

Act for establishing, maintaining, and well-governing a Nightly Watch within the city of Bristol. [28 Geo. 2. 32.]

Act to explain and render more effectual an Act made in the last Session of Parliament, intituled, 'An Act for establishing, maintaining, and well-governing a Nightly Watch within the City of Bristol.' [29 Geo. 2. c. 47.]

Act for widening several Streets, Lanes, Ways, and Passages within the City of Bristol, and for opening several new Streets and Passages within the same; and for explaining, amending, and enlarging the Powers of the several Acts passed for paving, cleansing, lighting, watching, and regulating the Streets and other Places within the said City and Liberties thereof. [6 Geo. 3. c. 34.]

Act for removing and preventing Encroachments, Obstructions, Annoyances, and other Nuisances within the City of Bristol and the Liberties thereof; and for licensing and better regulating Hackney Coaches, Chairs, Waggon, Carts, and other Carriages, and the Owners, Drivers, and Carriers thereof respectively, and Porters and other Persons, within and for certain Distances round the said City and Liberties; and for better regulating the Shipping and Trade, and the Rivers, Wharfs, Backs, and Quays, and the Markets, within the same City and Liberties; and for other Purposes. [23 Geo. 3. c. 65.]

Act for amending, altering, and enlarging the Powers of several Acts passed for paving, pitching, cleansing, and lighting the Streets and other Places within the City of Bristol and Liberties thereof. [46 Geo. 3. c. 26.]

Act for the Employment, Maintenance, and Regulation of the Poor of the City of Bristol, and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing, and lighting the same City; and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the Act for paving, pitching, cleansing, and lighting the said City. [3 Geo. 4. c. 34.]

Act for repairing, lighting, and watching the District of the United Parishes of Saint James and Saint Paul in the County of Gloucester, and for the Care of the Poor thereof. [2 Geo. 4. c. 39.]

Act for lighting and watching the Parish of Clifton in the County of Gloucester. [5 Geo. 4. c. 79.]

BURY SAINT EDMUND'S.—Act for better paving, lighting, cleansing, watching, and otherwise improving the Town of Bury Saint Edmund's in the County of Suffolk. [61 Geo. 3. c. 9.]

Act to amend, extend, and render more effectual an Act of His late Majesty, for paving, lighting, cleansing, watching, and otherwise improving the Town of Bury Saint Edmund's in the County of Suffolk. [1 Geo. 4.]

CAMBRIDGE.—Act for better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within the said Town. [28 Geo. 3. c. 64.]

Act to amend and enlarge the Powers of an Act passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, 'An Act for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within the said Town. [34 Geo. 3. c. 104.]

CANTERBURY.—Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Walls of the City of Canterbury and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein. [27 Geo. 3. c. 31.]

CARDIFF.—Act for better paving, cleansing, and lighting the Streets, Lanes, and public Passages in the Town of Cardiff, and Liberties thereof, in the County of Glamorgan, and for removing and preventing Nuisances and Annoyances therein. [Geo. 3. c. 7.]

CARLISLE.—Act for lighting the Streets, Lanes, and other public Passages and Places within the City of Carlisle in the County of Cumberland, and the Suburbs of the said City; for paving the Footpaths of the Streets of the said City and Suburbs; and for otherwise improving the said City. [44 Geo. 3. c. 68.]

Act for watching, regulating, and improving the City of Carlisle and the Suburbs thereof. [7 & 8 Geo. 4. c. 24.]

CHESTER.—Act for better regulating the Poor, maintaining a Nightly Watch, lighting, paving, and cleansing the Streets, Rows, and Passages, providing Fire Engines and Firemen, and regulating the Hackney Coachmen, Chairmen, Carmen, and Porters, within the City of Chester. [2 Geo. 3.]

Act to amend, alter, and enlarge the Powers of an Act passed in the Second Year of the Reign of His present Majesty, so far as the same relates to maintaining a Nightly Watch, and lighting and cleansing the Streets, Rows, and Passages, within the City of Chester, and for preventing Nuisances and Annoyances in the Streets, Rows, and Passages within the said City, and for regulating and improving the Police thereof. [43 Geo. 3. c. 47.]

CHICHESTER.—Act for repealing an Act made in the Eighteenth Year of the Reign of Queen Elizabeth, intituled, 'An Act for paving of the City of Chichester;' and for the better paving, repairing, and cleansing the Streets, Lanes, and public Ways and Passages within the Walls of the said City, and for removing and preventing Incroachments, Obstructions, and Annoyances therein. [31 Geo. 3. c. 63.]

Act for better lighting and for watching the City of Chichester and Places adjacent. [1 & 2 Geo. 4. c. 68.]

CHEPPING-WYCOMBE.—Act for paving, widening, cleansing, watching, lighting, and regulating the Streets and other public Places within the Borough of Chepping-Wycombe in the County of Bucks, and for removing and preventing Nuisances and Obstructions therein. [63 Geo. 3. c. 234.]

- CHIPPENHAM.**—Act for lighting, watching, cleansing, paving, and otherwise improving the Town of Chippenham in the County of Wilts. [4 Will. 4. c. 47.]
- COVENTRY.**—Act for the better paving, cleansing, lighting, and watching the City of Coventry and the Suburbs thereof, and removing and preventing Nuisances and Annoyances therein; and for regulating the public Wells and Pumps within the said City and Suburbs. [80 Geo. 3. c. 77.]
- DARTMOUTH.**—Act for building a Market House in the Borough of Clifton Dartmouth Hardness, in the County of Devon, and for better paving, lighting, widening, and improving the Streets and other public Places within the said Borough. [55 Geo. 3. c. 28.]
- DAVENTRY.**—Act for paving, cleansing, lighting, and watching the Town of Daventry in the County of Northampton, and for regulating the Market there, and for enabling the Bailiff, Burgesses, and Commonalty of the Borough of Daventry to purchase the Moot-Hall, and to rebuild the same. [46 Geo. 3. c. 118.]
- DEAL.**—Act for more effectually paving, cleansing, lighting, and watching the Highways, Streets, and Lanes within the Town and Borough of Deal in the county of Kent, and for removing and preventing Encroachments, Nuisances, and Annoyances therein. [52 Geo. 3. c. 73.]
- DERBY.**—Act for paving, cleansing, lighting, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Borough of Derby, and for selling a certain Piece of Waste Ground situate within the said Borough, called Nun's Green, towards defraying the Expense of the said Improvements. [32 Geo. 3. c. 78.]
Act for better paving and otherwise improving the Borough of Derby. [6 Geo. 4. c. 132.]
- DEVIZES.**—Act for amending, regulating, cleansing, lighting, watching, and keeping in repair the Streets, Lanes, and Passages within the Borough of The Devizes in the County of Wilts, and for preventing Nuisances, Annoyances, and Obstructions therein. [21 Geo. 3. c. 36.]
Act for paving, lighting, cleansing, watching, and improving the Borough of Devizes in the County of Wilts, and for removing and preventing Nuisances and Annoyances therein. [6 Geo. 4. c. 162.]
- DONCASTER.**—Act for repealing so much of an Act passed in the Fourth Year of the Reign of His present Majesty as relates to the lighting the Streets and Places within the Borough and Soke of Doncaster in the County of York; and for more effectually lighting, watching, and otherwise improving the said Borough, and for preventing Nuisances therein. [43 Geo. 3. c. 147.]
- DORCHESTER.**—Act for better cleansing, lighting, and watching the Streets, Lanes, and other public Passages within the Borough of Dorchester in the County of Dorset, and in the Tithing of Colliton-row in the Town of Dorchester aforesaid; and for paving the Footways and repairing certain Horseways of such Parts thereof as are Turnpike, and for paving the Footways and repairing the Horseways of such Parts thereof as are not Turnpike; for removing Nuisances, Annoyances, and Obstructions therein; and for preventing Houses or Buildings hereafter to be erected in the said Borough and Tithing from being thatched. [16 Geo. 3. c. 27.]
Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the Streets and other public Passages and Places within the Borough of Dorchester in the County of Dorset, and the Tithing of Colliton-row in the Town of Dorchester aforesaid. [4 Will. 4. 22 May.]
- DOVER.**—Act for better paving, cleansing, lighting, and watching the Streets and Lanes in the Town of Dover in the County of Kent, and in the several Parishes of Saint Mary the Virgin and Saint James the Apostle in the said Town and County, and for removing and preventing Nuisances and Annoyances therein. [18 Geo. 3. c. 76.]
Act to amend an Act made in the Eighteenth Year of His present Majesty, for paving, cleansing, lighting, and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein. [50 Geo. 3. c. 26.]
Act to amend two Acts of His late Majesty, for paving, cleansing, lighting, and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein. [11 Geo. 4. c. 117.]
- DURHAM.**—Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and public Passages and Places within the City of Durham, and Borough of Framwelgate, and the Suburbs thereof, and the Streets thereto adjoining; for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein; for widening and rendering more commodious several of the said Streets, Lanes, Ways, and public Passages and Places, and for regulating and improving the Markets within the said City and Suburbs. [30 Geo. 3. c. 67.]
- EVESHAM.**—Act for paving, cleansing, lighting, watching, regulating, and improving the Borough of Evesham in the County of Worcester; for repairing, improving, and maintaining the Bridge over the River Avon within the said Borough; and for selling certain Waste Lands within the said Borough, and for appropriating the Monies arising from such sales towards the Purposes therein mentioned. [3 Geo. 4. c. 67.]
- EXETER.**—Act for enlightening the Streets within the City of Exeter and Suburbs thereof. [1 Geo. 3.]
Act for better repairing the Streets, Lanes, and Passages within the City of Exeter and County of the said City; and for amending an Act passed in the First Year of His present Majesty, intituled, 'An Act for enlightening the Streets within the City of Exeter and Suburbs thereof;' and for the better regulating of the Watch within the said City and County, and for otherwise improving the same. [46 Geo. 3. c. 39.]
Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the Streets, Ways, and other public Passages and Places in the City and County of the City of Exeter. [50 Geo. 3. c. 146.]
Act for better paving, lighting, watching, cleansing, and otherwise improving the City of Exeter and County of the said City. [2 & 3 Will. 4. c. 106.]

FAVERSHAM.—Act for the better paving, repairing, cleansing, lighting, and watching the Highways, Streets, Lanes, and other public Passages and Places within the Town and Liberty of Faversham in the County of Kent, and also certain Places near or adjoining thereto; and for removing and preventing Encroachments, Obstructions, Nuisances and Annoyances therein. [29 Geo. 3. c. 69.]

FOLKESTONE.—Act for paving, repairing, and cleansing the Highways, Streets, and Lanes in the Town of Folkestone, and Liberty thereof, in the County of Kent, and for removing and preventing Nuisances and Annoyances therein. [36 Geo. 3. c. 49.]

GATESHEAD.—Act for cleansing, lighting, and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead in the County of Durham. [54 Geo. 3. c. 100.]

GLASTONBURY.—Act for paving and improving the Streets and other public Passages and Places in the Parish of Saint John the Baptist and Saint Benedict in the Town of Glastonbury in the County of Somerset. [51 Geo. 3. c. 178.]

GLOUCESTER.—Act for the more effectual Relief and Employment of the Poor within the City of Gloucester, and for lighting the Streets of the said City. [4 Geo. 3. c. .]

Act for rebuilding the Bridge over the River Severn at Maisemore, near the City of Gloucester; for raising, widening, and securing Over's Causeway leading from the said City towards Maisemore aforesaid; and for enforcing the proper paving and cleansing of the several Streets within the said City, and for removing Nuisances and Annoyances therefrom, and preventing the like in future. [17 Geo. 3. c. 68.]

Act for erecting a new Gaol, and for removing certain Gateways, in the City of Gloucester, and for amending the several Acts passed for the Maintenance and Support of the Poor of the said City, and for lighting, paving, and regulating the Streets there. [21 Geo. 3. c. 74.]

Act for establishing a proper Place for holding Markets and Fairs for the Sale of Live Stock in the City of Gloucester and the Suburbs thereof, and for opening convenient Avenues thereto, and for watching and otherwise improving the City. [1 & 2 Geo. 4. c. 22.]

Act to provide for lighting the Suburbs of the City of Gloucester with Gas. [4 Will. 4. c. 44.]

GODALMING.—Act for paving, lighting, watching, and otherwise improving the Town of Godalming in the County of Surrey. [6 Geo. 4. c. 177.]

GRAVESEND.—Act for paving, cleansing, and lighting the High Street, East Street, and West Street, in the Town and Parishes of Gravesend and Milton, in the County of Kent, and for lighting the other Streets; and for removing all Incroachments and Annoyances within the said Town and Parishes. [13 Geo. 3. c. 15.]

Act for altering and enlarging the powers of an Act of the Thirteenth Year of His present Majesty, for improving the Town and Parishes of Gravesend and Milton in the County of Kent; and for the better Assessment and Collection of the Poor Rates and other Rates within the parish of Gravesend. [56 Geo. 3. c. 77.]

Act for paving, cleansing, lighting, watching, and improving the Town and Parishes of Gravesend and Milton in the County of Kent, and for removing and preventing Nuisances and Annoyances therein. [3 Geo. 4. c. 51.]

GUILDFORD.—Act establishing, regulating, and maintaining a Nightly Watch, and for enlightening the open Places and Streets within the Town of Guildford in the County of Surrey. [32 Geo. 2.]

Act for paving, cleansing, and otherwise improving the Town of Guildford in the County of Surrey. [52 Geo. 3. c. 51.]

HARWICH.—Act for paving, cleansing, lighting, and watching the Town of Harwich in the County of Essex, and supplying the same with Water. [59 Geo. 3. c. 118.]

HASTINGS.—Act for better paving, lighting, watching, and otherwise improving the Town of St. Leonard in the County of Sussex. [2 Will. 4. c. 45.]

Act for paving, lighting, watching, cleansing, and improving the Town and Port of Hastings in the County of Sussex, and for establishing and regulating Markets therein, and supplying the Inhabitants thereof with Water and for other Purposes. [2 Will. 4. c. 91.]

HEREFORD.—Act for paving, repairing, cleansing, and lighting the Streets and Lanes in the City of Hereford and Suburbs thereof, and removing Nuisances and Annoyances therein, and for creating a Fund towards the Expenses thereof, by inclosing divers Waste Grounds within the Liberties of the said City; and for the better Application of Charity Money; for setting the poor People of the said City to work; and to enable Bodies Corporate to alienate their Houses and Land within the said City. [14 Geo. 3. c. 34.]

Act to enlarge, amend, and render more effectual the Provisions of an Act of His present Majesty, for paving and lighting the City of Hereford, and removing Nuisances therein; and for enabling the Corporation of the said City to sell and apply the Produce of certain Messuages and Lands in establishing Market Places and otherwise improving the said City. [56 Geo. 3. c. 23.]

HERTFORD.—Act for paving the Footways, and cleansing, lighting, and watching the Streets and other public Passages and Places within the Borough of Hertford, and removing and preventing Obstructions, Nuisances, and Annoyances therein. [28 Geo. 3. c. 74.]

Act to amend and extend the Provisions of an Act for paving and improving the Streets and other public Passages and Places within the Borough of Hertford. [9 Geo. 4. c. 33.]

HUNTINGDON.—Act for paving, cleansing, and lighting the High Street and other Places within the Town of Huntingdon, and for removing and preventing Nuisances and Annoyances therein. [25 Geo. 3. c. 3.]

Highways.—Act for paving, repairing, cleansing, lighting, and watching the Highways, Streets, and Lanes in the Town and Port of Hythe and Liberty thereof in the County of Kent, and for removing and preventing Nuisances and Annoyances therein. [88 Geo. 3. c. 16.]

Ipswich.—Act for the paying of the Towne of Ipswich.

[13 Eliz. c. 24.]

Act for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [33 Geo. 3. c. 92.]

Act for amending and rendering more effectual an Act passed in the Thirty-third Year of the Reign of His present Majesty for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [37 Geo. 3. c. 44.]

Act for amending and enlarging the Powers of Two Acts of His present Majesty, for paving, lighting, cleansing, and improving the Town of Ipswich in the County of Suffolk, and removing and preventing Encroachments, Obstructions, and Annoyances therein; and for watching the said Town. [55 Geo. 3. c. 26.]

Act to alter and amend several Acts of His late Majesty's Reign, for paving, lighting, and otherwise improving the Town of Ipswich in the County of Suffolk. [1 & 2 Geo. 4. c. 104.]

KINGSTON-UPON-HULL.—Act for explaining, amending, and making more effectual several Acts of Parliament relating to the Maintenance and Employment of the Poor of the Town of Kingstone-upon-Hull; and for better paving, preserving, and cleansing the Streets, Squares, Lanes, and Alleys in the said Town, and preventing Obstructions therein; and for preserving the Lamps which shall be set up to enlighten the Streets of the said Town, and securing the Property of such Lamps to the Owners. [28 Geo. 2. c. 27.]

Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingstone-upon-Hull, and for preventing Annoyances therein. [2 Geo. 3.]

Act for amending and supplying the Deficiencies of an Act passed in the Second Year of the Reign of His present Majesty King George the Third, intituled 'An Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingstone-upon-Hull, and for preventing Annoyances therein.' [4 Geo. 3.]

Act for building a new Gaol for the Town and County of the Town of Kingstone-upon-Hull, and for purchasing an additional Burial Ground for the Use of the Parish of the Holy Trinity in the said Town; for regulating the Affairs of Hackney Coachmen, Chairmen, and Porters, and the Prices of Carriage of Goods; for altering the Time of lighting Lamps; for ascertaining the Breadth of Party Walls, and for preventing certain Nuisances, within the said Town, Liberties, and Precincts thereof; for amending an Act of the Fourteenth Year of the Reign of His present Majesty, for making and establishing public Quays or Wharfs at Kingstone-upon-Hull, in respect to such as are or may be built opposite to certain Staiths in the said Act described, and for other Purposes. [23 Geo. 3. c. 55.]

Act for paving, cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, and other public Passages and Places within the Parish of Sealcoates in the East Riding of York, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for licensing and regulating Hackney Coaches, Chairs, Porters, Coal Carriers and Water Carriers, Trucks, Carts, and other Carriages, within the said Parish. [41 Geo. 3. c. 30.]

Act for watching and more effectually lighting, cleansing, and otherwise improving the Town of Kingstone-upon-Hull, and the Liberty of Trippett and the Lordship of Mytton in the Parish of the Holy Trinity in the said Town, and for preventing Nuisances therein; and also for preventing Frauds and Impositions in the Quality, Measure, and Carriage of Coals sold in the said Town and the Neighbourhood thereof. [50 Geo. 3. c. 41.]

KIDDERMINSTER.—Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other public Passages and Places in Kidderminster, in the County of Worcester. [53 Geo. 3. c. 83.]

KINGSTON-UPON-THAMES.—Act for the better lighting and watching the Town of Kingstone-upon-Thames in the county of Surrey, and for removing and preventing all Obstructions, Encroachments and Nuisances therein. [18 Geo. 3. c. 61.]

KING'S LYNN.—Act for paving, cleansing, lighting, and watching, and improving the Borough of King's Lynn in the County of Norfolk; and for removing Nuisances and Annoyances therein; and for holding the Saturday and Beast Markets within more convenient Parts of the said Borough. [43 Geo. 3. c. 37.]

LANCASTER.—Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Borough and Town of Lancaster in the County Palatine of Lancaster. [5 Geo. 4. c. 66.]

LEEDS.—Act for better supplying the Town and Neighbourhood of Leeds in the County of York with Water; and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein. [30 Geo. 3. c. 68.]

Act to amend and enlarge the Powers of an Act passed in the Thirtieth Year of His present Majesty, for better supplying the Town and Neighbourhood of Leeds in the County of York with Water, and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and for removing and preventing Nuisances and Annoyances therein; and for erecting a Court House and Prison for the Borough of Leeds; and for watching and improving the Streets and Passages in the said Town. [49 Geo. 3. c. 122.]

Act to amend and enlarge the Powers and Provisions of an Act of His present Majesty, for erecting a Court House and Prison for the Borough of Leeds in the County of York and other Purposes; to provide for the Expense of the Prosecution of Felons in certain Cases; and to establish a Police and Nightly Watch in the Town, Borough, and Neighbourhood of Leeds aforesaid. [65 Geo. 3. c. 42.]

Act for lighting, cleansing, and improving the Town and Neighbourhood of Leeds in the County of York.

[5 Geo. 4. c. 124.]

LEOMINSTER.—Act for inclosing Lands in the Borough of Leominster in the County of Hereford, and in the Township of Luston in the Parish of Eye, in the said County; and for paving and otherwise improving the Streets and other public Places within the Town of Leominster in the said County.

[48 Geo. 3. c. 148.]

LICHFIELD.—Act for paving, cleansing, lighting, watching, and regulating Streets, Lanes, and other public Passages and Places within the City of Lichfield and the Suburbs thereof.

[46 Geo. 3. c. 42.]

LINCOLN.—Act for paving, lighting, watching, and improving the City of Lincoln and the Bail and Close of Lincoln, and for regulating the Police thereof.

[9 Geo. 4. c. 27.]

LIVERPOOL.—Act for the building a Church in the Town of Liverpool in the County Palatine of Lancaster, and for enlightening and cleansing the Streets of the said Town, and for keeping and maintaining a Nightly Watch there.

[21 Geo. 2. c. 24.]

Act for opening, making, widening, and altering certain Streets, Passages, and Places within the Town of Liverpool, in the County Palatine of Lancaster; for supplying the said Town with fresh and wholesome Water; for removing and preventing Nuisances and Annoyances therein; for appointing additional Market Places; and for extending so much of the Powers of an Act of the Second Year of His present Majesty as relates to Hackney Coachmen, Chairmen, Carters, and Porters, to a certain Distance beyond the Liberties of the said Town.

[26 Geo. 3. c. 12.]

Act for enlarging and varying some of the Powers contained in certain Acts of Parliament relating to the lighting, watching, and cleansing the Streets and other Places within the Town of Liverpool, and for removing and preventing Nuisances and Annoyances therein.

[28 Geo. 3. c. 13.]

Act for the reviving, extending, and varying the Powers of an Act passed in the Twenty-sixth Year of His late Majesty King George the Third, for making and widening certain Streets, Passages, and Places in the Town of Liverpool in the County Palatine of Lancaster, and for several other Purposes in the said Act mentioned; and also for further improving the said Town.

[1 Geo. 4. c. 13.]

Act for widening and improving certain Streets in the Town of Liverpool in the County Palatine of Lancaster; for the further Prevention of Nuisances and Annoyances in the said Town; for the Regulation of Weighing Machines, Weights, and Measures; and the Establishment of a Fire Police therein.

[7 Geo. 4. c. 57.]

Act for the better Pavage and Sewerage of the Town of Liverpool in the County Palatine of Lancaster; and for settling the Boundaries of the said Town and the Township of Kirkdale, and Parts of the Townships of Everton and West Derby.

[11 Geo. 4. c. 15.]

LOUTH.—Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the Town and Parish of Louth in the County of Lincoln.

[6 Geo. 4. c. 129.]

LUDLOW.—Act for paving the Footpaths within the Borough of Ludlow in the County of Salop, and for lighting, watching, and otherwise improving the said Borough.

[33 Geo. 3. c. 25.]

MACCLESFIELD.—Act for lighting, watching, and regulating the Police within the Borough of Macclesfield in the County of Chester.

[54 Geo. 3. c. 23.]

Act for better lighting, watching, and improving the Borough and Township of Macclesfield in the County of Chester, and regulating the Police thereof.

[6 Geo. 4. c. 96.]

Act for better supplying the Inhabitants of the Borough of Macclesfield in the County of Chester with Water, and to establish the Rates payable for the same.

[11 Geo. 4. c. 124.]

MAIDSTONE.—Act for widening, improving, regulating, paving, cleansing, and lighting the Streets, Lanes, and other public Passages and Places within the King's Town of Maidstone in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone.

[31 Geo. 3. c. 62.]

Act for altering and amending an Act passed in the Thirty-first Year of the Reign of His present Majesty, intituled 'An Act for widening, improving, regulating, paving, cleansing, and lighting the Streets, Lanes, and other public Passages and Places within the King's Town of Maidstone in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone;' and for raising a further Sum of Money for completing the Purposes of the said Act.

[42 Geo. 3. c. 90.]

Act to enlarge the Powers of three Acts of His present Majesty, for paving, cleansing, and lighting the Streets and other public Places within the King's Town of Maidstone in the County of Kent, and better supplying the Inhabitants with Water; and for watching the said Town, and making public Wharfs therein.

[59 Geo. 3. c. 16.]

MONMOUTH.—Act for paving the Footways, and cleansing, lighting, and watching the Streets, in the Town of Monmouth.

[58 Geo. 3. c. 81.]

NEWARK.—Act for the better paving, lighting, and cleansing of the Streets, Lanes, and other public Passages and Places in the Town of Newark-upon-Trent in the County of Nottingham, and for removing the Market for Butcher's Meat in the said Town, and for regulating the said Market; and for repealing an Act made in the Twenty-seventh Year of the Reign of Her late Majesty Queen Elizabeth, intituled 'An Acte for the paving of Newarke-upon-Trent in the Countie of Nottingham.'

[38 Geo. 3. c. 26.]

NEWBURY.—Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the borough, Town, and Pariah of Newbury and the Tithing or Hamlet of Speenhamland in the Parish of Speen in the County of Berks. [6 Geo. 4. c. 72.]

NEWCASTLE-UNDER-LYME.—Act for paving, lighting, watching, cleansing, regulating, and improving the Borough of Newcastle-under-Lyme. [59 Geo. 3. c. 71.]

NEWCASTLE-UPON-TYNE.—Act for lighting the Streets and other places, and maintaining a regular and nightly Watch, within the Town and County of the Town of Newcastle-upon-Tyne; and for regulating the Hackney Coachmen and Chairmen, Cartmen, Porters, and Watermen within the same. [3 Geo. 3.]

Act for widening, enlarging, and cleansing the Streets, Lanes, and other public Places, and for opening new Streets, Markets, and Passages, within the Town of Newcastle-upon-Tyne and the Liberties thereof, and for removing and preventing Annoyances therein; and for regulating the public Markets, and Common Stage Waggon, Drays, and Carts carrying Goods for Hire. [26 Geo. 3. c. 39.]

Act for lighting and watching the Streets and other Places without the Walls, but within the Liberties, of Newcastle-upon-Tyne. [52 Geo. 3. c. 76.]

NEWPORT, (Isle of Wight.)—Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the borough of Newport in the Isle of Wight; and for the Removal of present, and the Prevention of future Incroachments, Nuisances, and Annoyances therein. [26 Geo. 3. c. 119.]

NEWPORT, (Monmouth.)—Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Town and Borough of Newport in the County of Monmouth. [7 Geo. 4. c. 6.]

NORTHAMPTON.—Act for paving, cleansing, lighting, and watching the Town of Northampton, and for removing and preventing Incroachments, Obstructions, and Annoyances therein. [18 Geo. 3. c. 79.]

Act for altering and amending an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled, 'An Act for paving, cleansing, lighting, and watching the Town of Northampton, and for removing and preventing Incroachments, Obstructions, and Annoyances therein; and for continuing the Term of certain Tolls by the said Act.' [37 Geo. 3. c. 42.]

Act for better paving, lighting, watching, and improving the Town of Northampton; and for taking down, widening, and rebuilding the Bridge over the Nine or Nen, at the South Entrance of the said Town, and improving the Avenues to the said Bridge. [54 Geo. 3. c. 193.]

NORWICH.—Act for better paving, lighting, cleansing, watching, and otherwise improving the City of Norwich. [46 Geo. 3. c. 67.]

Act for amending and enlarging an Act of His late Majesty, for better paving, lighting, cleansing, and otherwise improving the City of Norwich. [6 Geo. 4. c. 78.]

NOTTINGHAM.—Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham. [2 Geo. 3.]

Act to alter, amend, and enlarge the Powers of an Act of the Second Year of His late Majesty's Reign, intituled, 'An Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham.' [1 & 2 Geo. 4. c. 70.]

OSWESTRY.—Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other public Passages and Places in the Town and Borough of Oswestry in the County of Salop. [49 Geo. 3. c. 140.]

OXFORD.—Act for amending certain of the Mileways leading to Oxford; for making a commodious Entrance through the Pariah of Saint Clement; for rebuilding or repairing Magdalen Bridge; for making commodious Roads from the said Bridge through the University and City and the Avenues leading thereto; for cleansing and lighting the Streets, Lanes, and Places within the said University and City and the Suburbs thereof, and the Pariah of Saint Clement; for removing Nuisances and Annoyances therefrom, and preventing the like for the future; for empowering Colleges and Corporations to alienate their Estates there; for removing, holding, and regulating Markets within the said City; and for other Purposes. [11 Geo. 3. c. 19.]

Act to amend and enlarge the Powers of an Act passed in the Eleventh Year of His present Majesty's Reign, for performing several Works, and making Improvements within the University and City of Oxford and the Suburbs thereof, and in the adjoining Pariah of Saint Clement. [21 Geo. 3. c. 47.]

Act for enlarging the Term and Powers of Two Acts of His present Majesty, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Pariah of Saint Clement, and for other Purposes. [52 Geo. 3. c. 72.]

Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King George the Third, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Pariah of Saint Clement, and for other Purposes in the said Acts mentioned. [5 & 6 Will. 4. c. .]

PEMBROKE.—Act for supplying with Water the Town of Pembroke and the Neighbourhood thereof, within the County of Pembroke. [9 Geo. 4. c. 119.]

PLYMOUTH.—Act for improving the Town of Plymouth in the County of Devon. [51 Geo. 3. c. 102.]

Act for better paving, lighting, cleansing, watching, and improving the Town and Borough of Plymouth in the County of Devon, and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein. [5 Geo. 4. c. 22.]

PONTEFRACT.—Act for paving and otherwise improving the Streets and other public Passages within the Town of Pontefract in the County of York; for better supplying the said Town with Water; and for altering and amending an Act passed in the Twentieth Year of His present Majesty, intituled ‘An Act for dividing the Park of Pontefract in the County of York, and for other Purposes mentioned therein.’
[50 Geo. 3. c. 40.]

PORTSMOUTH.—Act for the better paving and cleansing the Streets and other public Passages in the Town of Portsmouth in the County of Southampton, and for preventing Nuisances and Annoyances therein and for widening and rendering the same more commodious.
[8 Geo. 3.]

Act for lighting and watching the Town of Portsmouth in the County of Southampton; and for explaining and amending an Act passed in the Eighth Year of His present Majesty's Reign, for the better paving and cleansing the Streets and other public Passages in the said Town, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious.
[16 Geo. 3. c. 59.]

Act for the better paving, cleansing, widening, and regulating the Streets, Courts, Roads, Lanes, Ways, Rows, Alleys, and public Passages and Places within the Town of Portsea in the County of Southampton and for removing and preventing Nuisances, Annoyances, and Obstructions within the said Town.
[32 Geo. 3. c. 103.]

Act for better lighting and watching the Town of Portsea in the County of Southampton; and for amending an Act passed in the Thirty-second Year of His late Majesty, for paving, cleansing, and regulating the Streets and public Places within the said town, and removing and preventing Nuisances and Annoyances therein.
[7 Geo. 4. c. 64.]

PRESTON.—Act to light, watch, pave, cleanse, and improve the Streets, Highways, and Places within the Borough of Preston in the County Palatine of Lancaster, and to provide Fire Engines and Firemen for the Protection of the said Borough.
[55 Geo. 3. c. 22.]

READING.—Act for better paving, lighting, cleansing, watching, and otherwise improving the Borough of Reading in the County of Berks.
[7 Geo. 4. c. 56.]

ROCHESTER.—Act for paving, cleansing, lighting, and watching the High Streets and Lanes in the Parish of Saint Nicholas within the City of Rochester and Parish of Strood in the County of Kent, and for making a Road through Star Lane, across certain Fields adjoining thereto, to Chatham Hill in the said County.
[9 Geo. 3. c. 32.]

SANDWICH.—Act for the better repairing, paving, cleansing, lighting, and watching the Highways, Streets, and Lanes of and in the Town and Port of Sandwich in the County of Kent, and in the several Parishes of Saint Peter the Apostle, Saint Mary the Virgin, and Saint Clement, in the said Town, Port, and County; and for removing and preventing Encroachments, Nuisances, Obstructions, and Annoyances in the said Highways, Streets, and Lanes, and on the common Quay belonging to the said Town and Port, and in the Haven adjoining to the said Quay, and the Bridge built over the said Haven; and for regulating the Berths and Mooring Places of the Vessels at the said Quay, and the proper Times for Vessels to pass through the said Bridge.
[27 Geo. 3. c. 67.]

SARUM, NEW.—Act for the better repairing and paving the Highways, Streets, and Watercourses within the City of New Sarum; and for enlightening the Streets, Lanes, and Passages, and better regulating the Nightly Watch within the said City.
[10 Geo. 2.]

Act to alter, extend, and amend the Powers of Two Acts passed in the Tenth Year of the Reign of His late Majesty King George the Second, and in the Twelfth Year of the Reign of His present Majesty, for better paving, lighting, and watching the City of New Sarum in the County of Wilts.
[55 Geo. 3. c. 23.]

SCARBOROUGH.—Act for paving and otherwise improving the Streets and other Places in the Township of Scarborough in the North Riding of the County of York, and for licensing Hackney Coaches and establishing other Regulations in the said Township.
[41 Geo. 3. c. 94.]

SHREWSBURY.—Act for the better paving and amending, cleansing, enlightening, and watching the Streets, Highways, Lanes, and Passages, within the Town of Shrewsbury in the County of Salop.
[29 Geo. 2. c. 78.]

Act for repealing an Act passed in the Twenty-ninth Year of the Reign of His Majesty King George the Second, for paving, lighting, and watching the Town of Shrewsbury in the County of Salop; and for granting other Powers in lieu thereof.
[1 & 2 Geo. 4. c. 58.]

SOUTHAMPTON.—Act for the better paving, repairing, and cleansing the Streets and other public Passages in the several Parishes and Wards of Saint Michael, Saint John, Holy Rood, Saint Lawrence, All Saints-within-the-Bar, All Saints-without-the-Bar, and East Street and Bay Row, within the Town of Southampton and Liberties thereof, and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious, and for lighting and watching the said Streets and public Passages.
[10 Geo. 3. c. 25.]

Act to amend an Act made in the Tenth Year of His present Majesty, for paving, repairing, cleansing, lighting, and watching the Streets and other public Passages in the Town of Southampton.
[50 Geo. 3. c. 169.]

STAFFORD.—Act for paving, lighting, watching, cleansing, regulating, and improving the Streets, Lanes, and other public Passages and Places within the Borough of Stafford in the County of Stafford.
[11 Geo. 4. c. 44.]

ST. ALBAN'S.—Act for paving the Footways and Crosspaths, and for cleansing, lighting, watching, and regulating the Streets and other public Passages and Places, within the Borough of Saint Alban in the County of Hertford.
[44 Geo. 3. c. 8.]

STOCKPORT.—Act for lighting, cleansing, watching, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Town of Stockport in the County Palatine of Chester; and for regulating the Police of the said Town.
[7 Geo. 4. c. 118.]

STOCKTON.—Act for lighting, cleansing, and otherwise improving the Town and Borough of Stockton in the County of Durham. [1 Geo. 4. c. 62.]

SUNDERLAND.—Act for lighting and watching the Town of Bishop Wearmouth and Bishop Wearmouth Pannas, for cleansing, paving, and regulating the Footpaths, and for removing and preventing Nuisances and Encroachments therein. [50 Geo. 3. c. 25.]

Act for paving, lighting, watching, and cleansing the Town of Sunderland near the Sea in the County of Durham; for removing the Market; for building a Town Hall or Market House; and for otherwise improving the said Town; and for establishing a Watch on the River Wear. [50 Geo. 3. c. 27.]

Act for paving, lighting, watching, cleansing, and improving the Town and Parish of Sunderland near the Sea in the County of Durham, for removing the Market and for otherwise improving the said Town. [7 Geo. 4. c. 120.]

SWANSEA.—Act for better paving, repairing, cleansing, lighting, and watching the several Streets and other public Passages and Places within the Town and Franchise of Swansea in the County of Glamorgan, and for removing and preventing Nuisances, Annoyances, and Obstructions therein. [49 Geo. 3. c. 79.]

TWEEKSBURY.—Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the Town of Tewkesbury, and the Precincts thereof, in the County of Gloucester; for the Removal of present and Prevention of future Encroachments, Nuisances, and Annoyances therein; for regulating Carts and other Carriages, and ascertaining the Rates of Carriage; and for widening some Part of the Street called Church Street, within the said Town. [26 Geo. 3. c. 17.]

TIVERTON.—Act for the better and more easy rebuilding of the Town of Tiverton in the County of Devon, and for determining Differences touching Houses and Buildings burnt down or demolished by reason of the late dreadful Fire there, and for the better preventing Dangers from Fire for the future. [5 Geo. 2.]

Act for paving and otherwise improving the Town of Tiverton in the County of Devon. [34 Geo. 3. c. 52.]

Act for amending and enlarging the Powers and Provisions of an Act of His late Majesty King George the Third, intituled, 'An Act for paving and otherwise improving the Town of Tiverton in the County of Devon, and for lighting the said Town.' [3 Geo. 4. c. 60.]

TRURO.—Act for paving, cleansing, lighting, and widening the Streets, Lanes, and Passages, for removing and preventing Encroachments, Nuisances, and Annoyances, and for regulating the Porters and Drivers of Carts, within the Borough of Truro, and Part of the adjoining Parishes, in the County of Cornwall. [30 Geo. 3. c. 62.]

WALLINGFORD.—Act for paving the Footways, and for cleansing, lighting, watching, and regulating the Streets, Lanes, Passages, and Places, within the Borough of Wallingford in the County of Berks, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein. [35 Geo. 3. c. 75.]

WALSALL.—Act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the Town of Walsall, and the Neighbourhood thereof, within the Parish of Walsall in the County of Stafford. [5 Geo. 4. c. 68.]

WELLS.—Act for more effectually repairing and improving certain Roads leading to and from the City or Borough of Wells in the County of Somerset; and for paving, cleansing, lighting, watching, and watering the said Roads, and the Streets, Lanes, and public Passages within the said City or Borough, the Liberty of Saint Andrew, and Suburbs of the said City and Borough, and removing and preventing Nuisances and Annoyances therein. [1 & 2 Geo. 4. c. 12.]

Act for lighting with Gas the City and Borough of Wells in the County of Somerset, the Liberty of Saint Andrew, and Suburbs of the said City or Borough. [2 Will. 4. c. 37.]

WEYMOUTH and MELCOMBE REGIS.—Act for paving, cleansing, lighting, and watching the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset, and for removing all Encroachments, Obstructions, and Annoyances therein. [16 Geo. 3. c. 57.]

Act for more effectually cleansing, lighting, and watching the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset, and removing Encroachments and Annoyances therein; for licensing and regulating Chairmen and other Persons plying for Hire, for establishing Markets, and for giving further Powers to the Quay Master of the Harbour of the said Town. [50 Geo. 3. c. 187.]

WINCHESTER.—Act for the better paving, repairing, cleansing, lighting, and watching the Streets and other public Passages within the City of Winchester, and also within the several Parishes of Saint Bartholomew Hide, Saint John's in the Soke, Saint Peter's Cheesehill, Saint Swithin, and Saint Michael in the West Soke, in the Suburbs of the said City; and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [11 Geo. 3. c. 9.]

Act for amending and enlarging the Powers of an Act of His present Majesty, for paving, cleansing, lighting, and watching the Streets and public Passages in the City of Winchester, and several Parishes in the Suburbs thereof, and for removing and preventing Nuisances therein. [48 Geo. 3. c. 2.]

WINDSOR.—Act for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor in the County of Berks, and for preventing Nuisances and Annoyances therein. [9 Geo. 3. c. 10.]

WISBEACH.—Act for the establishing a Cattle Market within the Town of Wisbech in the Isle of Ely; for taking down and removing Shambles therein; for paving, cleansing, lighting and watching the said Town, and removing Nuisances therein; for preserving and improving the Port and Harbour of Wisbech, and for regulating the Pilots belonging thereto. [50 Geo. 3. c. 206.]

WORCESTER.—Act for better supplying the City of Worcester and the Liberties thereof with Water ; and for more effectually paving, lighting, watching, and otherwise improving the said City. [4 Geo. 4. c. 69.]

YARMOUTH (GREAT).—Act for better paving, lighting, cleansing, and watching the Town of Great Yarmouth in the County of Norfolk, and for removing Nuisances and Annoyances therein, and for making other Improvements in the said Town. [50 Geo. 3. c. 23.]

YORK.—Act for paving, lighting, watching, and improving the City of York and the Suburbs thereof, and the Liberty of Saint Peter within the said City, and for regulating the Police of the same respectively. [6 Geo. 4. c. 127.]

Act for improving and enlarging the Market Places within the City of York, and rendering the Approaches thereto more commodious ; and for regulating and maintaining the several Markets and Fairs held within the same City and the Suburbs thereof ; and for amending an Act of His late Majesty, for paving, lighting, watching, and improving the said City ; and other Purposes. [3 Will. 4. c. 62.]

TABLE

OF

All the STATUTES passed in the FIRST Session of the Twelfth Parliament of the United Kingdom of Great Britain and Ireland.

5 & 6 WILL. IV.

PUBLIC GENERAL ACTS.

- I. An Act to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in England and Wales, so far as relates to the Execution of Criminals in the County of Chester 1
- II. An Act to amend an Act of the Thirty-eighth Year of King George the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act 2
- III. An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five 3
- IV. An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five 4
- V. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters 5
- VI. An Act to indemnify the Governor General and other persons in respect of certain Acts done in the Administration of the Government of the British Territories in the East Indies subsequent to the Twenty-second Day of April One thousand eight hundred and thirty-four, and to make those Acts valid 5
- VII. An Act for the regulation of His Majesty's Royal Marine Forces while on Shore 6
- VIII. An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits 6
- IX. An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five 8
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- XI. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of March One thousand eight hundred and thirty-six: to permit such persons in Great Britain as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of Hilary Term One thousand eight hundred and thirty-six; and to allow persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates 9
- XII. An Act for continuing to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five 9
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- XV. An Act to continue until the Thirty-first Day of May One thousand eight hundred and thirty-eight, and to the End of the then next Session of Parliament, the Allowances of the Duty of Excise on Soap used in certain Manufactures 11
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xxxii. An Act to impose certain Duties on Tea	63	xlvii. An Act to repeal so much of an Act passed in the Third and Fourth Years of His present Majesty as relates to the Amount of the Salary granted to the Clerk of the Crown in Chancery; and to make other Provisions in relation to the said Office
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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

5 & 6 WILL. IV.

- i. An Act for the Improvement of the High Street in the borough of Ledbury in the county of Hereford,
- ii. An Act for making, maintaining, and repairing a Turnpike Road from the town of Belfast to the town of Crumlin in the county of Antrim.
- iii. An Act for more effectually repairing the Road from Carmarthen to Newcastle Emlyn, and several other Roads, and for making and maintaining new Lines of Road, all in the county of Carmarthen.
- iv. An Act to enable the University Life Assurance Society and their Successors to purchase Annuities upon or for Lives, and also to lend Money or Stock upon Mortgage for the Purpose of Investment.
- v. An Act for better assessing and collecting the Poor and other rates in the parish of Barking in the county of Essex.
- vi. An Act for better supplying with Water the parish of Ramsgate, and the Neighbourhood thereof, in the county of Kent.
- vii. An Act to authorize the sale to and purchase by John Lord Rolle of the Rights of Persons claiming to have divers Rights on such Parts of Great Torrington and Castle Hill Commons in the county of Devon as now form Part of the Cut or Canal called the Rolle Canal.
- viii. An Act for incorporating the Warrington and Newton Railway with the Grand Junction Railway, and for extending to the said first-mentioned Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway; and for other Purposes relating thereto.
- ix. An Act to enable the Grand Junction Railway Company to clear the Line of such Railway, and to make Two Branches therefrom in the county of Stafford, and for other Purposes relating thereto.
- x. An Act for making a Railway from Croydon to join the London and Greenwich Railway near London.
- xi. An Act to enlarge the powers of the New Pembrey Harbour Act, to change the Name of the Harbour to that of Barry Port, and to enable the Barry Port Company to raise a further Sum of Money.
- xii. An Act for constructing and maintaining a Harbour at New Quay in the county of Cardigan.
- xiii. An Act for making and maintaining a Pier and other Works at Deptford in the county of Kent.
- xiv. An Act to enable the Commissioner appointed under Two Acts for draining certain Lands situated on and near the River Laven in the counties of Kimron and Flint to raise a further Sum of Money for the Purpose of the said Acts.
- xv. An Act to enlarge and regulate the Markets now held in the town of Devonport in the county of Devon, and to establish a Market within the said town, for Corn, Grain, and other Articles, and to regulate the Amount of Toll to be paid within the said Markets.
- xvi. An Act for lighting with Gas the town and neighbourhood of Llanelli in the county of Carmarthen.
- xvii. An Act for building a new Parish Church in the town of Honiton in the county of Devon.
- xviii. An Act for paving, cleansing, lighting, and supplying the several parishes of Saint Margaret, Saint James the Evangelist, and Saint James, within the Liberty of Westminster in the county of Middlesex, and the Precincts of St. Mary, and also part of the Liberty of Saint Mary Abchurch, London, and Ely Rents, within the same county, with Gas for the purposes therein mentioned.
- xix. An Act for repairing the Road from Little Bocking in the county of Northampton to Rockingham, in the same county.
- xx. An Act for repairing the Road from Farnborough to Riverhill in the parish of Sevenoaks in the county of Kent, and for making several Diversions in the said Road.
- xxi. An Act for making and maintaining a road from New Quay in the county of Cardigan to Aberystwyth in the same county.
- xxii. An Act for improving certain Roads within the county of Hereford communicating with the city of Hereford.
- xxiii. An Act to incorporate the Avenue Road in the parish of Saint Marylebone with the Marylebone and Finsbury Turnpike Roads in the county of Middlesex.
- xxiv. An Act for making and maintaining a Turnpike Road from the town of Huiatperpoint to the Brighton and Cuckfield Turnpike Road at or near Ansty Cross in the parish of Cuckfield, all in the county of Sussex.

- xxv. An Act for more effectually repairing the Darlington and West Auckland and the Cockerton Bridge and Steadrop Roads in the county of Durham, and for consolidating the Trusts thereof.
- xxvi. An Act for more effectually repairing the Road from the Exeter Turnpike Road to Biddisford, and certain Roads leading from Bridgestown Pomeroy and Totnes, and other Roads communicating therewith; and for repairing Totnes Bridge, and erecting Bridges over the Stover Canal, the Rivers Teign and Lemon, and the Mill Leat; all in the county of Devon.
- xxvii. An Act for repairing and improving the Roads in the counties of Northumberland and Durham called the Ford and Lowick Turnpikes, and for making certain new Branches in the said counties.
- xxviii. An Act for making Turnpike certain Highways between the towns of Nantwich and Congleton in the county palatine of Chester.
- xxix. An Act for building a Bridge over the River Exe from the Shilhay at the city of Exeter, and for making Approaches thereto; and for removing the present Ferry across the said River, and establishing another Ferry or a Foot-bridge in lieu thereof.
- xxx. An Act to amend the Acts relating to the Manchester, Bolton, and Bury Canal Navigations and Railway; and to make a Branch Railway to Bolton.
- xxxi. An Act to authorise the Newcastle upon Tyne and Carlisle Railway Company to make an additional Branch Railway or Trunkroad; and for other purposes connected with their undertaking.
- xxxii. An Act to amend an Act for improving the Navigation of the River Carr, and for deepening and extending the Harbour of Paisley, in the county of Renfrew.
- xxxiii. An Act to enable the Edinburgh Water Company to borrow a further Sum of Money.
- xxxiv. An Act to consolidate and extend the Powers and Provisions of the several Acts relating to the Birmingham Canal Navigation.
- xxxv. An Act for making, maintaining, and repairing certain Roads near the towns of Ashburton and Totnes in the county of Devon.
- xxxvi. An Act for repairing and maintaining the Road from the Wellington Bridge Road in the parish of Leeds to Tong Lane End in the parish of Birstal, and other Roads branching therefrom, and for making and maintaining a new Road from the aforesaid Road at Swallow Hill in the township of Worthy to Pudsey, all in the West Riding of the county of York.
- xxxvii. An Act for making and maintaining a Road from Southwick to Congleton in the county palatine of Chester, and a Branch Road communicating therewith.
- xxxviii. An Act for more effectually repairing the Road from Malton Road in the county of Southampton, through Amesbury, to the eighteen mile stone from the city of New Sarum near Wiltonby Hedge in the county of Wilts, and several other Roads leading out of the said Road.
- xxxix. An Act for more effectually repairing and improving the Road from the town of Hitchin, through Shefford, to the Hitchin Road from Saint Albans to Bedford, and also the Road from the Hitchin out of the said Road to Henlow and Church End, and other Roads therein mentioned, in the counties of Hertford and Bedford.
- xl. An Act for more effectually repairing the Road from Saint Andrew's Gate in the county of the city of Norwich to Swaffham in the county of Norfolk, and from Halfpenny Bridge in Honingham to the Bounds of Yaxham, and also a lane called Hangman's Lane, near the gates of the said city.
- xli. An Act for more effectually repairing the Road from Duffield, through Belper, to Heage in the county of Derby, and for making a new Line of Road communicating therewith.
- xlii. An Act to empower the Dublin Oil Gas Light Company to produce Gas from Coal, Peat, Turf, and other Materials; and to amend the Act relating to the said Company.
- xliii. An Act to enable the Inhabitants of Grosvenor Square in the county of Middlesex more effectually to pave, cleanse, light, water, and embellish the said square.
- xliv. An Act for enlarging the Powers of an Act passed in the Ninth Year of the Reign of King George the Fourth, to consolidate and amend several Acts for the further Improvement of the Port of London, by making Docks and other Works at Blackwall for the Accommodation of East India Shipping.
- xlv. An Act for lighting, watching, and improving the parish of Tormoham in the county of Devon.
- xlvi. An Act for improving and regulating the town of Aberystwyth in the county of Cardigan, and for supplying the Inhabitants thereof with Water.
- xlvii. An Act to alter and amend Three several Acts for paving, cleansing, and improving the town of Dover; and for making further Improvements in the said town.
- xlviii. An Act for more effectually repairing, improving, and preserving the Harbour and Quay of Wells in the county of Norfolk.
- xlix. An Act for improving the Haven of Great Yarmouth in the county of Norfolk, and the several Rivers connected therewith, and for repairing or taking down and rebuilding a certain Bridge over the said Haven at Great Yarmouth aforesaid, and a certain Bridge called Saint Olave's Bridge, over the River Waveney, in the counties of Norfolk and Suffolk; and for suspending for a limited period certain Duties payable to the Corporation of Great Yarmouth, and imposing other Duties in lieu thereof.
- i. An Act for establishing a new Market for Live Stock and Agricultural Produce, and erecting a Market House or Corn Exchange, in the City of Winchester.
- ii. An Act for removing the Markets held in the town of Cardiff in the county of Glamorgan, and for providing other Market Places in lieu thereof.
- iii. An Act for paving, lighting, and watching the town and parish of Downham Market in the county of Norfolk.
- iiii. An Act for removing the Markets held in the town and borough of Neath in the county of Glamorgan, and for providing a new Market Place in the said town in lieu thereof.
- liv. An Act for altering, amending, and extending the Powers and Provisions of an Act of the Sixth Year of His late Majesty King George the Fourth, for the Regulation of Buildings in the town of Liverpool, and for the other Purposes therein mentioned; and for granting further and additional Powers for the Improvement and Regulation of the said Town, and the Preservation of Property therein from Fire, and otherwise.
- lv. An Act to make and maintain a Railway from Stirling and Arbuckle in the county of Lanark to the Union Canal at Causewayend in the county of Stirling.
- lvi. An Act to enable the London and Birmingham Railway

STATUTES, (Local and Personal), 5 & 6 WILLIAM IV

- Company to extend and alter the Line of such Railway, and for other Purposes relating thereto.
- lvii. An Act to enable the Leeds and Selby Railway Company to improve the Line of the said Railway; and for amending and enlarging the Powers and Provisions of an Act relating to such Railway.
- lviii. An Act for making a Railway from Preston to Wyre, and for improving the Harbour of Wyre, in the county palatine of Lancaster.
- lix. An Act for consolidating the Shares in the Wilts and Berks Canal Navigation, and for extending the Powers of the Act of Incorporation of the Company of Proprietors of the said Canal.
- lx. An Act for providing in or near the Burgh of Cupar more extensive accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of Supply of the county of Fife, and for the Custody of the Records of the said county.
- lxi. An Act for better supplying with Water the town of Ashton-under-Lyne, and the Neighbourhood thereof, within the parish of Ashton-under-Lyne, in the county palatine of Lancaster.
- lxii. An Act for more effectually making, repairing, and maintaining the Turnpike Roads in the county of Edinburgh.
- lxiii. An Act for improving and more effectually repairing the several Roads leading into and from the City of Worcester.
- lxiv. An Act for repairing the Roads from Sevenoaks Common to Woodgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodgate, in the county of Kent.
- lxv. An Act for more effectually repairing the Launceston Turnpike Roads, and making certain additional Roads.
- lxvi. An Act for more effectually repairing and improving the Road from the Junction of the Odstook Road with the Downton Road near Harnham Hill, through Blandford and Dorchester, to Askerswell Hill, in the counties of Wilts and Dorset.
- lxvii. An Act for more effectually repairing and improving the Road from Newry to Charlemont, through the county of Armagh.
- lxviii. An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the county of Edinburgh.
- lxix. An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King George the Third, for amending certain Mileways leading to Oxford, and making improvements in the University and City of Oxford, the Suburbs thereof, and adjoining parish of Saint Clement; and for other Purposes in the said Acts mentioned.
- lxx. An Act for making and maintaining a Bridge over the River called "The Portland Ferry," in the county of Dorset, with proper Approaches thereto.
- lxxi. An Act for amending an Act passed in the last Session of Parliament for establishing a Floating Bridge over the River Itchen near the town of Southampton, with proper Approaches thereto, and making Roads to communicate therewith.
- lxxii. An Act for lighting, watching, cleansing, regulating, and otherwise improving the town of Tunbridge Wells in the counties of Kent and Sussex, and for regulating the Supply of Water and establishing a Market within the said town.
- lxxiii. An Act for paving, lighting and otherwise improving the town of Haverfordwest, and the adjoining townships of Prendergast and Cardett, in the parish of Haverfordwest, and Umaston, in the county of Pembroke.
- lxxiv. An Act to amend several Acts relating to the Bridges and to the City and Port of Londonderry.
- lxxv. An Act for making and maintaining a Dock and other Works in the Port of Newport in the county of Monmouth, with a Railway and Stone Road therefrom.
- lxxvi. An Act to enable the Proprietors or Shareholders in the Argus Life Assurance Company to sue and be sued, in the Name of any One of the Directors or of the Chairman or Secretary for the time being of the said Company.
- lxxvii. An Act for providing a Market Place and regulating the Markets in the town and borough of Merthyr Tydfil in the county of Glamorgan.
- lxxviii. An Act for erecting and maintaining a Pier or Harbour, at Gourrock in the county of Renfrew.
- lxxix. An Act for the further Improvement of the Harbour of Ayr.
- lxxx. An Act for supplying the town of Paisley in the county of Renfrew with Water.
- lxxxi. An Act for the better supplying the parish of Richmond in the county of Surrey with Water.
- lxxxii. An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Sea Shore at or near Warristable in the county of Kent to or near the parish of Canterbury, and the Works connected therewith, and to enable the Company of Proprietors to raise a further Sum of Money.
- lxxxiii. An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take possession of Lands and Hereditaments for the formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the county palatine of Durham, with Branches therefrom.
- lxxxiv. An Act for making and maintaining a Railway from Newtyle to Coupar Angus, in the county of Fife.
- lxxxv. An Act for making and maintaining a Railway between the Town of Paisley and the South Side of the River Clyde at Renfrew Ferry, and for constructing Wharfs, Quays, or Landing Places there; all in the county of Renfrew.
- lxxxvi. An Act for better lighting with Gas the Town and Neighbourhood of Leeds in the Borough of Leeds in the West Riding of the county of York.
- lxxxvii. An Act for altering the Line of Road from the Milford of Garcube to the city of Glasgow, and improving the Roads leading therefrom into the said city.
- lxxxviii. An Act for improving and keeping in repair certain Roads in the counties of Flint and Chester, and for better maintaining the Ferry over the River Dee called the Lower King's Ferry, in the said county of Flint.
- lxxxix. An Act for more effectually repairing and improving the Road from the Side Gate on the Hinckley and Lutterworth Turnpike Road in the parish of Burbage in the county of Leicester to the Leicester Turnpike Road in or near to the village of Narborough in the said county.
- xc. An Act to explain and amend the Powers of an Act of His late Majesty King George the Fourth, for making a Pier at Southend in the county of Essex.
- xci. An Act for better lighting with Gas the borough of Sheffield in the West Riding of the county of York.

xxv. An Act for repairing and maintaining a Railway from New-
 100 to the Muir of Gassie, and from thence to the Muir of
 Glamis, in the county of Forfar.

xxvi. An Act to amend an Act relating to the Bodmin and
 Wadebridge Railway.

xxvii. An Act for amending and consolidating the Acts of Par-
 100 liament for the Recovery of Small Debts in the City of Lon-
 don and the Liberties thereof, and for enabling the Goods of
 other Debtors to be taken in Execution.

xxviii. An Act to amend and extend the Powers vested in the
 Grand Junction Waterworks Company, and for other Pur-
 poses relating thereto.

xxix. An Act to authorize the Llanelli Railway and Dock
 Company to make certain additional Railways or Tramroads,
 and for other Purposes connected therewith.

xxx. An Act for effecting an Extension of the Ballochney
 Railway, in the county of Lanark; and for altering, amend-
 ing and enlarging the Powers of an Act of the Seventh Year
 of His late Majesty, for making the said Railway.

xxxi. An Act to amend an Act of the Third Year of His pre-
 sent Majesty, for more effectually supplying with Water the
 town and county of the City of Exeter and places adjacent
 thereto.

xxxii. An Act to enable the Reading Waterworks Company to
 extend their Works, and for explaining and enlarging the
 Powers of the Act relating to such Company.

xxxiii. An Act for the better paving, lighting, watching, cleaning,
 and otherwise improving the borough of Truro in the county
 of Cornwall; and for forming a new Street within the same
 borough.

xxxiv. An Act for paving, lighting, and watching, and otherwise
 improving the town of Bognor in the county of Sussex; and
 for amending and enlarging Two Acts of Parliament passed
 in the Second and Sixth Years of the Reign of His late Ma-
 jesty King George the Fourth, relating to the said town.

xxxv. An Act for building a Bridge over the River Trent at
 Willington in the county of Derby.

xxxvi. An Act for building a Railway be-
 100 tween the South Side of the River
 100 and the River (see called the River
 100 in the county of Kent.

xxxvii. An Act for better lighting with Gas the Town and
 100 tes in the Borough of Leam in the West

100 - the true Line of Road from the Mil-
 100 the town of Glasgow, and improving the
 100 into the said city.

100 - and keeping in repair certain
 100 and Chester, and for better
 100 the River (see called the River
 100 in the county of Flint.

100 - and improving
 100 on the Hincley and Lutter-
 100 in the parish of Bordesley in the county
 100 the Turnpike Road in or near to the
 100 in the said county.

100 - and amend the Powers of an Act
 100 King George the Fourth, for making a
 100 in the county of Essex.

100 - for better lighting with Gas the Borough of Spel-
 100 in the West Riding of the county of York.

100 - has been proposed
 100 from Oxford, over Botley Causeway, to Finsfield, in the county
 100 of Berks and Witney in the county of Oxford.

civ. An Act to rectify a Mistake in an Act passed in the pre-
 sent Session of Parliament, for more effectually repairing the
 Road from the Exeter Turnpike Road to Biddisford, and cer-
 100 tain roads leading from Bridgetown Pomeroy and Totnes,
 and other Roads communicating therewith, and for repair-
 ing Totnes Bridge, and erecting Bridges over the Stover
 Canal, the Rivers Teign and Lemon, and the Mill Leat, all
 in the county of Devon.

cv. An Act for more effectually repairing certain Roads lead-
 ing to and from Bodmin, and other Roads therein mentioned,
 in the county of Cornwall, and for making and maintaining
 certain New Roads communicating therewith.

cvi. An Act for the Improvement of the Registrar's Office, and
 other Offices of the Court of Chancery.

cvii. An Act for making a Railway from Bristol to join the
 London and Birmingham Railway near London, to be called
 "The Great Western Railway," with Branches therefrom
 to the towns of Bradford and Trowbridge in the county of
 Wilts.

cviii. An Act to rectify a Mistake in an Act passed in the
 present Session of Parliament, for lighting, watching, and
 improving the parish of Termoham, in the county of Devon.

cix. An Act to improve and maintain the Port Dundas Road,
 and to make and maintain another Road, in the county of
 Lanark.

cx. An Act for incorporating and granting certain Powers to
 the North American Colonial Association of Ireland,

cx. An Act for establishing a Market for the Sale of Cattle in the
 parish of St. Mary Islington, in the county of Middlesex.

cxii. An Act to alter, amend, and enlarge the Powers of an
 Act of the Second and Third Years of His present Majesty
 for making and maintaining a Railway from the Cave Hill
 to the Harbour of Belfast in the county of Antrim.

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PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

5 & 6 WILLIAM IV.

1. An Act for vesting in George Knowles Esquire and his Heirs certain Freehold and Copyhold Estates situate at Sharow in the parish of Ripon in the county of York, discharged from the Uses mentioned or referred to by the Marriage Settlement of the said George Knowles, and for substituting and settling certain Freehold and Copyhold Estates situate at Humberstone Bank and Thruscross in the parish of Hampthwaite in the said County of York in lieu thereof, and to the like Uses.
2. An Act for vesting certain Freehold and Leasehold Hereditaments situate in the town and county of the town of Southampton, devised and bequeathed by the Will of Ann Hambly, Widow, deceased, in Trustees for sale; and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled in the same Manner.
3. An Act for vesting certain Shares of Estates now belonging to Sir Cecil Augustus Bisshopp, Harriet Arabella Bisshopp, George Curzon Bisshopp, Edward Cecil Bisshopp, and Catherine Mary Bisshopp, Infants, and also to the said Sir Cecil Augustus Bisshopp alone, in Trustees, to be sold, and for investing the Purchase Monies arising from such Shares in other Estates.
4. An Act for applying the Balance now lying in Bank of the Price of the Lands of Glenkinglas, and others, contained in a Decree of Entail executed by the deceased Sir Duncan Campbell of Lochnell, which were sold in virtue of the Powers contained in an Act of Parliament passed in the Forty-ninth Year of the Reign of His late Majesty King George the Third, towards Payment of certain Sums laid out by General Duncan Campbell of Lochnell in the Improvement of the said entailed Estate.
5. An Act to enable the granting of Leases, and for other Purposes relating to the Estates of William Harris Esquire, deceased.
6. An Act for confirming a Partition, made under a Decree of His Majesty's High Court of Chancery, of an Estate in the County of Chester, among Whitmore Smart, Elizabeth Smart Spinster, and others.
7. An Act for the Sale of Estates in Ireland devised by the Will of the Right Honourable Chichester late Earl of Massereene, and for the Purchase of other Estates in Ireland, to be settled to the Uses of the said Will.
8. An Act for authorizing the Sale of the entailed Lands of North Ferryhill or Carlingnose in the county of Fife, and the entailed Lands and Estate of Kirkton and Whitlaw in the county of Linlithgow, belonging to William Scott Macrieff Esquire, and the Purchase of other Lands in Scotland.
9. An Act for exchanging the Broomthorpe and Castle Rising Estates in the county of Norfolk, devised by the Will of George James late Marquis of Cholmondeley deceased to Lord William Henry Hugh Cholmondeley for Life, with Remainders over, for Lands in Netherdon and Huxley in the county palatine of Chester, devised by the same Will to the said Lord William Henry Hugh Cholmondeley in Fee Simple.
10. An Act for inclosing Lands in the parishes of Tavistock, Milton-Abbott, Brentor, and Lamerton, in the county of Devon, called Heathfield.
11. An Act for inclosing Lands in the Manor and Township of Ulleskelf in the parish of Kirby Wharfe in the county of York.
12. An Act for dividing, allotting, and inclosing the Commons or Waste Lands called Rannmore otherwise Ravensmoor, in the several parishes of Acton and Baddiley, or one of them, in the county of Chester.
13. An Act for inclosing and allotting Lands in the parish of Strettham in the Isle of Ely and county of Cambridgeshire, and for the Commutation of Tithes.
14. An Act for authorizing Sales, Leases, Grants, and Improvements of an Estate at Lillington in the county of Warwick, devised by the Will of Matthew Wise Esquire, and for other Purposes.
15. An Act to empower the Judges of the Court of Session in Scotland to sell the Lands of Bravallicks in the county of Argyll, and, after discharging the Debts affecting the same, to invest the Surplus in the Purchase of other Lands, to be entailed.
16. An Act to enable the Prebendary of the Prebend of Highleigh, founded in the Cathedral Church of the Holy Trinity of Chichester, to accept Surrenders of the existing Lease of any part of the said Prebend, and to grant new Leases thereof.
17. An Act for confirming certain Leases granted by Sir James Graham Baronet, deceased, and by Sir Sandford Graham, Baronet, his Son, of Land at Kirkstall and in the township of Headingley-cum-Burley, in the parish of Leeds in the West Riding of the county of York.

18. An Act for enabling the Committee of the Estate of Le Gendre Pierce Starkie Esquire, a Lunatic, to grant Leases of his settled Estates.
19. An Act to vest Part of the entailed Estate of Cromarty, lying within the county of Ross, and by annexation within the county of Cromarty, in Trustees in Fee Simple, for the Purpose of selling the same, and of paying Debts which affect or may be made to affect the said entailed Estate; and for other Purposes connected therewith.
20. An Act for vesting in Archibald Lord Douglas of Douglas, or the Heir of Entail in Possession for the Time, certain detached Parts of the entailed Estates of Douglas, in Fee Simple, upon entailing certain other Lands equivalent in Value to the same and to a Debt due by him to the said entailed Estates.
21. An Act for uniting the Rectory and Parish Church of Stanmer in the county of Sussex with the adjoining Vicarage and Parish Church of Falmer, and for exchanging the Parsonage House and Glebe Land of Stanmer and the Vicarage House of Falmer for certain Pieces of Land at Falmer, being Part of the settled Estates of the Right Honourable Henry Thomas Earl of Chichester, on which a new Parsonage House has been built at the Expense of the said Earl.
22. An Act to enable the Mayor, Aldermen, and Citizens of the City of Worcester to grant renewable Leases of the Worcester County Infirmary and of the Land held therewith to the Governors of the said Infirmary, or their Trustees.
23. An Act for vesting the settled and unsettled Manors and Estates of Charles Vere Spencer, an Infant, in the counties of Oxford and Denbigh, in Trustees, in order to effect the Sale thereof, for the Payment of Incumbrances, and for other Purposes.
24. An Act for empowering Trustees to sell certain Freehold, Copyhold, and Leasehold Estates in the county of Norfolk, settled under the Will of Horatio Earl of Orford deceased, and for laying out the Money arising therefrom in the Purchase of Lands to be settled to the same Uses; and for the other Purposes therein mentioned.
25. An Act to authorize the making of Grants or Leases of Mines within and under Parts of the Lands belonging to the Perpetual Curacy of the parish of Wolverhampton in the county of Stafford.
26. An Act for vesting the Freehold and Leasehold Estates late belonging to Richard Sparrow of Oakland in the county of Tipperary, Esquire, deceased, in Trustees, to be sold for Payment of his Debts, and applying the Surplus for the Benefit of the Devises in the Will of the said deceased named.
27. An Act for raising, on the Security of certain Estates in the county of Wilts whereof the Right Honourable Thomas Earl Nelson is Tenant in Tail, a Sum of Money for the Purpose of discharging the Sum of Ten thousand Pounds equitably charged thereon by William Earl Nelson deceased, in favour of his Daughter Charlotte Mary Lady Bridport; and for other Purposes.

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29. An Act to dissolve the Marriage of Charles Conyers junior, Esquire, with Margaret Conyers his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
30. An Act for naturalizing Christian Allhusen.
31. An Act for naturalizing John Cortazzi.
32. An Act for naturalizing Paul Ferdinand Willert.
33. An Act for naturalizing Louis Magnus.
34. An Act for naturalizing Frederic Louis Mieville.
35. An Act for naturalizing Mendel Albrecht.
36. An Act for naturalizing David Meyer Loewe.
37. An Act to dissolve the Marriage of Major Hassell Richard Moor with Ann his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
38. An Act to dissolve the Marriage of the Reverend William Thomas Denham, a Chaplain in the Service of the East India Company, with Clara Madras Establishment, with Clara Jane his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
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40. An Act for naturalizing Ludwig Steintal.
41. An Act for naturalizing Emanuel Hallé.
42. An Act for naturalizing Gaspar Peter Elias Baron de Arabet.
43. An Act for naturalizing Jacques Louis Auguste Joseph Des Champs de la Tour, commonly called Auguste. Des Champs de la Tour, and his infant Son.
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45. An Act to dissolve the Marriage of William Charles Lambert Esquire with Georgiana Charlotte his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act for naturalizing Henry Christopher Bergman.
47. An Act for naturalizing John Frederick Zollen.
48. An Act to dissolve the Marriage of Charles Malpas Esquire with Isabella Bowdler his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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5 & 6 WILLIAM IV.

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I.	Ireland.
G.B.	Great Britain.
G.B. & I.	Great Britain and Ireland.
U.K.	The Whole of the United Kingdom.

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A
COMPENDIOUS ABSTRACT
OF THE
PUBLIC GENERAL ACTS
OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND:

6 WILLIAM IV.—1836.

BEING THE SECOND SESSION OF THE TWELFTH PARLIAMENT

OF SUCH

UNITED KINGDOM.

FROM
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MDCCCXXXVI.

BEGUN
AT WESTMINSTER,
THE
19TH FEBRUARY, ANNO DOMINI 1835,
AND
FROM THENCE CONTINUED,
BY SEVERAL PROROGATIONS,
TO THE
4TH FEBRUARY, 1836.

ABRIDGMENT
OF THE
PUBLIC GENERAL ACTS,
6 WILLIAM IV.—1836.

CAP. I.

AN ACT to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-six—seven.

(4th March 1836.)

By this Act, the Commons granted, and it is Enacted,

That there shall and may be issued and applied, for or towards making good the supply granted to His Majesty for the service of the year 1836-7, the sum of Two Millions, a part of the sum now remaining in the Exchequer, or remaining to be received on the 8th of February 1836, to complete the aids granted by Parliament for the service of the year 1835-6; and also any sum or sums of money which may have been or which may be paid into the Exchequer before the 5th of April 1837 in respect of Exchequer bills issued pursuant to several Acts passed in the 57 Geo. 3, 3 Geo. 4, and 1 & 2, and 4 & 5 Will. 4, for authorizing the issue of Exchequer bills for carrying on public works and fisheries in the United Kingdom, and pursuant to an Act, 1 & 2 Will. 4, for the relief of persons who sustained losses in the West Indies; and also the sum of 60,000*l.* to be paid into the Exchequer by the United Company of Merchants of England trading to the East Indies, towards the expense of retiring pay, pensions, and allowances to His Majesty's forces serving in India, in pursuance of an Act, 4 Geo. 4; and also the balance now in the Exchequer, or which may be paid into the same by the Governor and Company of the Bank of England on or before the 5th of April 1837, pursuant to 56 Geo. 3. c. 97, intituled, 'An Act to authorize the advancing, for the Public Service, a Proportion of the Balance that shall remain from Time to Time in the Bank of England for the Payment of Dividends on account of the Public Debt, for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities remaining unclaimed;' provided, that if at any time the said balance shall be reduced to a less sum than 100,000*l.*, then so much of the money advanced by the said Governor and Company shall be repaid to them as shall be equal to the sum by which the said balance shall be less than the sum of 100,000*l.*; and the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland now or for the time being, or any three or more of them, or the Lord High Treasurer of the United Kingdom for the time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

CAP. II.

AN ACT for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six—seven.

(4th March 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *The Treasury may raise 15,000,000*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1.*
 2. *The clauses, &c. in recited Act extended to this Act.*
 3. *Treasury to apply the money raised.*
 4. *Bills to be payable out of supplies of the next session.*
 5. *Interest on Exchequer bills.*
 6. *Bills to be current at the Exchequer after April 5, 1837.*
 7. *Bank of England may advance 15,000,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. and M. c. 20.*
-

By this ACT, the Commons granted, and it is Enacted,

I. That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland at any time or times to cause or direct any number of Exchequer bills to be made out at the receipt of the Exchequer at Westminster for any sum or sums of money not exceeding in the whole the sum of Fifteen Millions, in the same or like manner, form, and order, and according to the same or like rules and directions, as are prescribed in 48 Geo. 3. c. 1, intituled, 'An Act for regulating the Issue and Paying off of Exchequer Bills.'

II. That all and every the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said Act, shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act, as fully and effectually, to all intents and purposes, as if the said several clauses or provisos had been particularly repeated and re-enacted in the body of this Act.

III. That it shall be lawful for the said Commissioners of the Treasury to issue and apply from time to time all such sums of money as shall be raised by Exchequer bills to be made out in pursuance of this Act to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.

IV. That the principal sum or sums of money to be contained in such Exchequer bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first supplies to be granted in the next session of Parliament.

V. That the Exchequer bills to be made out in pursuance of this Act shall bear date on the days on which the same shall be respectively issued, and shall and may bear an interest not exceeding the rate of 3½d. per centum per diem upon or in respect of the whole of the monies respectively contained therein payable out of any aids or supplies in the receipt of His Majesty's Exchequer at Westminster.

VI. That all and every the Exchequer bills to be made forth by virtue of this Act, or so many of them as shall from time to time remain undischarged and uncanceled, shall and may, from and after the 5th of April 1837, be received and taken and shall pass and be current to all and every the receivers and collectors in Great Britain of the Customs, Excise, or any revenue, supply, aid, or tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, his heirs, and successors, and also at the Bank of England to the account of His Majesty's Exchequer from the said receivers or collectors, or from any other person or persons, bodies politic or corporate whatsoever, making any payment there to His Majesty, his heirs, and successors, for or upon any account, cause or occasion whatsoever, according to the purport and true meaning of this Act.

VII. That it shall and may be lawful for the Governor and Company of the Bank of England to advance or lend to His Majesty, upon the credit of the Exchequer bills to be made out in pursuance of this Act, any sum or sums of money not exceeding in the whole the sum of Fifteen Millions, anything in an Act, 5 & 6 W. and M. c. 20, intituled, 'An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompenses and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France,' or in any subsequent Act, in the contrary thereof in anywise notwithstanding.

CAP. III.

AN ACT for vesting the Office of Constable of the Castle of *Saint Briavel's* in the First Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and for vesting the Office of Keeper of the Forest of *Dean* in the County of *Gloucester* in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

(4th March 1836.)

ABSTRACT OF THE ENACTMENTS.

1. The office of Constable of *St. Briavel's* vested in the First Commissioner of Woods, Forests, &c.
2. The office of Keeper of His Majesty's Deer in the Forest of *Dean* vested in the Commissioners of Woods, Forests, &c.
3. Act may be altered this session.

By this ACT,

After reciting that the office of Constable of His Majesty's Castle of *Saint Briavel's* in His Majesty's Forest of *Dean* in the county of *Gloucester*, and also the office of Keeper of His Majesty's Deer within the said forest, are now respectively vacant: And that there has heretofore been and now is a certain Court in the hundred of *St. Briavel's* in the said county of *Gloucester* called "*Saint Briavel's Court*," having jurisdiction over the whole of the said hundred in certain actions of debt and contract, and also of trespass and on the case, which said Court has been held in the Castle of *St. Briavel's* before a deputy appointed by the Constable of the said castle for executing the office of Constable of the said castle, and is distinct from the Manor Court and Hundred Court of the said hundred; and that it is expedient that the said office of Constable of the Castle of *Saint Briavel's* should be vested in the First Commissioner for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and

Buildings, until provision shall be made by Parliament for abolishing or otherwise regulating the said office and the said Court; and that it is also expedient that the office of Keeper of His Majesty's Deer within the said forest should be vested in the Commissioners for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as hereinafter mentioned: And that the said several purposes cannot be effected without the aid and authority of Parliament :—

It is Enacted,

I. That the said office of Constable of His Majesty's Castle of Saint Briavel's in His Majesty's Forest of Dean in the county of Gloucester shall be and the same is hereby vested in the First Commissioner for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and from and after the passing of this Act all the duties of the said office shall be performed by the said First Commissioner or his sufficient deputy or deputies, and for that purpose all the powers and authorities belonging or appertaining to the said office shall become and be vested in such First Commissioner for the time being; and every such First Commissioner for the time being shall and he is hereby authorized, empowered, and required, by himself or his sufficient deputy or deputies, to perform all such duties, and for that purpose to use and exercise all such powers and authorities, and enforce the same by all such and the like ways, means, suits, and proceedings, and do and perform all such acts, matters, and things as may be necessary in that behalf, as fully and effectually to all intents and purposes as if the said First Commissioner had been duly and legally appointed to the said office, and was, in virtue of a legal appointment, Constable of the said Castle of Saint Briavel's.

II. That the office of Keeper of His Majesty's Deer within the said forest, and all the powers, authorities, rights, and privileges of or appertaining to the said office, shall be and the same are vested in the Commissioners for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Commissioners for the time being shall, and they are hereby authorized, empowered, and required to execute and perform all the duties of the said office of Keeper, and to do and perform all such acts, matters, and things, as may be necessary in that behalf, as fully and effectually as any Keeper of the said forest by virtue of any legal appointment might or could have done before the passing of this Act.

III. That this Act may be altered, amended, or repealed in this present session of Parliament.

CAP. IV.

AN ACT to amend an Act of the last Session for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

(18th March 1836.)

By this Act,

After reciting that by an Act, 5 & 6 Will. 4. c. 81, intituled, 'An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege,' the punishment of death was taken away in cases of letter stealing and sacrilege; but by reason of a clerical error in copying the same a doubt may be entertained whether persons guilty of such offences are now by law liable to any punishment;—

It is Enacted,

That the same Act shall be read as if, instead of the words "in the said Act so specified," the words "in the said Acts so specified" had been inserted in the said Act of the last session; and that all persons who may hereafter be duly convicted of any of the offences mentioned in the said Act of the last session shall and may be sentenced, by the Court or Judge by or before whom such offenders may be tried, to transportation for life or for any term of years not less than seven, or to be imprisoned for any term not exceeding three years, with or without hard labour, and for any period of solitary confinement during such imprisonment, at the discretion of such Court or Judge.

CAP. V.

AN ACT for carrying into further Execution Two Acts of His present Majesty, relating to the Compensation for Slaves upon the Abolition of Slavery, and for facilitating the Distribution and Payment of such Compensation.

(18th March 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Commissioners of Arbitration, or Colonial Courts, or Court of Appeal may award or decree compensation to be made in money or in stock.
2. Accountants General in Chancery and Exchequer to sell stock and pay proceeds, or transfer the stock accordingly.
3. Compensation monies in respect of litigated claims in Barbadoes may be transferred to the Accountant General in Chancery or to the Accountant General in Exchequer;—who may invest the interest and dividends arising therefrom.

4. *Accountants General in the Courts of Chancery and Exchequer may act by deputy.*
5. *Powers of attorney already given to receive payment in money from Commissioners of National Debt to be equally valid to receive payment in money or stock from the Accountants General in Chancery and Exchequer, as well as the said Commissioners;—and Accountants General authorized to pay money or transfer stock to the persons mentioned in such powers of attorney.*
6. *Letters of attorney for the receipt of compensation under 20l. exempted from stamp duty, and persons indemnified for acting upon such letters of attorney unstamped.*
7. *Comptroller General acting under Commissioners for Reduction of the National Debt may take and receive declarations.*
8. *Making false declarations, a misdemeanor.*
9. *All acts already done in accordance with this Act declared valid;—Indemnification to parties for anything already done or which shall be done under its provisions.—Treasury may make further regulations for payment of compensation.*
10. *Commissioners of Arbitration may award costs to be paid to parties establishing claims to compensation by parties opposing such claims.—Mode of recovering such costs.*
11. *Claimants withdrawing claim twenty-eight days before the hearing not liable to costs.*
12. *Appellants to Judicial Committee of the Privy Council to give security for payment of costs.*
13. *Judicial Committee may award costs, &c.*
14. *Act may be altered this session.*

By this Act,

After reciting that by 3 & 4 Will. 4. c. 73, the Lords of the Treasury were empowered to raise a sum of Twenty Million pounds sterling in manner therein mentioned; and it was enacted, that the money so raised should be paid into the Bank of England, to the account of the Commissioners for the Reduction of the National Debt, under the title of "The West India Compensation Account;" and certain Commissioners of Arbitration were thereby appointed to divide and apportion the said money among the owners of the slaves to be manumitted under the provisions of the said Act; and it was thereby enacted, that a certificate containing a list of the names and designation of the several persons in whose favour any sum or sums of money should be awarded by the said Commissioners of Arbitration should be signed by three or more of the said Commissioners of Arbitration, who should transmit the same to His Majesty's Principal Secretary of State for the Colonies, who should sign the same and transmit it to the Lords of the Treasury; and the Lords of the Treasury, or any three of them, should thereupon, by warrant under their hands, authorize the Commissioners for the Reduction of the National Debt to pay the said sums out of the monies standing upon their account in the books of the said bank, under the title of "The West India Compensation Account," to the persons named in such certificate: And that by another Act, 5 & 6 Will. 4. c. 45, intituled, &c., after reciting that certain claims for compensation under the said former Act might be subject to litigation before the said Commissioners of Arbitration, and also in the courts of the colonies, and that the final settlement of such claim might be postponed to a distant period, it was enacted, that in all such cases the Lords of the Treasury might direct the Commissioners for the Reduction of the National Debt to pay over into the Bank of England, in the name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, in trust for the purposes thereinafter mentioned, all such sums of money as should from time to time be certified by the said Commissioners of Arbitration, according to the provisions of the said Act, to be the subject of any suit in any of the said courts of any of the said colonies respectively, or of any claim before the said Commissioners against which any counter claim should have been filed, and such sums should be carried to new accounts in the books of the said Bank of England, under the title of "The litigated West Indian Compensation Account of the Court of Chancery," or "The litigated West Indian Compensation Account of the Court of Exchequer," as the case might be; and such monies when so paid in should be placed to the account of the number of the claim as stated and specified in the said certificate of the said Commissioners; and such monies, and the half-yearly dividends arising from the investments thereof, and also the dividends on all future investments, as they should arise and become due, should be invested from time to time by the said Accountants General in their names respectively, under the authority of the said Act, in 3l. per centum consolidated bank annuities, to the said respective accounts; and the said bank annuities purchased with the said compensation monies so invested as aforesaid, and the said accumulations, should be paid and transferred to the person or persons to whom the same should be directed to be paid or transferred by any adjudication or award of the said Commissioners of Arbitration, duly certified according to the provisions of the said recited Act, or by the decree, order, or judgment of the Court in the colony made in the said suit there depending, or any court of appeal: and that large sums of money certified by the said Commissioners of Arbitration, in pursuance of the provisions of the last-mentioned Act, to be the subject of litigation before them or in the courts of the several colonies, have been invested by the Accountant General of the Court of Chancery in 3l. per centum consolidated bank annuities, in conformity with the provisions of the said recited Act, and further sums may be in like manner invested in the name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and that it is expedient to enlarge the powers of the said Commissioners of Arbitration, and of the said courts, and of the said Accountants General respectively, as to the sums so invested:—

It is Enacted,

1. That in all cases wherein claims for compensation under the provisions of the before-recited Acts shall have been the subject of litigation before the said Commissioners of Arbitration, or in the courts of the several colonies, or in any court of appeal, it shall be lawful for the said Commissioners and the said Courts respectively, and they are hereby authorized, if they shall think fit, in making their awards or decrees in respect of such litigated claims for compensation, to award or decree, as the case may be, that the whole or any part of the 3l. per centum consolidated bank annuities purchased or to be purchased by the said Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and standing to the credit of the number of the claim as stated and specified in the certificate of the said Commissioners, with or without all or any part of the accumulations arising from the investment thereof, or such portion or portions of the said bank annuities as may be equivalent to any sum or sums of money to which the parties may be declared entitled by the awards or decrees aforesaid, shall and may be transferred to the party or parties in whose favour any such award or decree may be made, or otherwise as by

such award or decree may be directed; or it shall be lawful for the said Commissioners of Arbitration, and the Courts of the several colonies, and the said Courts of Appeal respectively, if they shall think proper so to do, to award or decree that any sum or sums of money shall and may be raised by the sale of the said bank annuities or a competent part thereof, and be paid to the party or parties in whose favour any such award or decree may be made, or otherwise as by such award or decree may be directed; anything in the said recited Acts, or in the general rules framed by the said Commissioners of Arbitration under the said Acts, to the contrary notwithstanding.

II. That it shall be lawful for the said Accountant General of the Court of Chancery and for the said Accountant General of the Court of Exchequer, in all cases where any such award or decree as aforesaid shall be made directing the payment of any sum or sums of money to be raised by sale of all or any part of the said bank annuities, to sell the said bank annuities so standing in their names respectively in the books of the Bank of England and appertaining to the account of the particular number of the claim to which the said award, decree, order or judgment shall apply, with or without the accumulations thereon, as the case may be, or such portion or portions thereof as it may be necessary or proper to sell for the purpose of raising the sum or sums of money so awarded or decreed as aforesaid, and to pay the net proceeds arising from such sale to the party or parties authorized to receive the same; and in cases where such award or decree shall be made for the transfer of stock, it shall be lawful for the said Accountants General respectively to transfer the said bank annuities standing to the account of the particular number of the claim to which such award or decree may apply, or any portion or portions thereof, with or without the accumulations thereon, as the case may be, to the party or parties legally entitled to the same, in satisfaction of any such award or decree so made for the transfer of stock as aforesaid; and in case any award or decree as aforesaid shall direct and require the transfer of such amount of the said bank annuities as may be equivalent to any sum or sums of money specified in such award or decree, the amount of the said bank annuities so to be transferred as equivalent to and in satisfaction of any such sum or sums of money shall be calculated and ascertained by the said Accountant General respectively, according to the average price of the said bank annuities on the day on which the said award or decree shall bear date; anything in the said recited Acts, or in the general rules framed by the said Commissioners of Arbitration under the said Act, to the contrary notwithstanding.

And after reciting that, in conformity with the before-recited Act, 5 & 6 Will. 4, the sum of 1,734,353*l.* 12*s.* 7*d.* capital of reduced annuities, bearing interest after the rate of 3*l.* 10*s.* per centum per annum, has been placed to the credit of the Commissioners for the Reduction of the National Debt, in the books of the Governor and Company of the Bank of England, in order to provide for the payment of the several sums which may be awarded to the several persons in the colony of Barbadoes entitled to compensation under the said recited Act, 3 & 4 Will. 4: and that the claims for compensation of some of the persons in the said colony of Barbadoes may become the subject of counter claim or litigation before the said Commissioners of Arbitration, or in the courts of the said colony, or in any court of appeal; and that it is expedient that power should be given to transfer the amount of such litigated claims to the name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, to abide the final settlement of such claims:—

It is Enacted,

III. That it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt from time to time to transfer or cause to be transferred into the name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, at the Bank of England, such portion or portions of the said reduced 3*l.* 10*s.* per centum per annum annuities, standing to the credit of the said Commissioners for the Reduction of the National Debt in the books of the said Bank of England, under the title of "The Compensation Account of the Colony of Barbadoes," as shall appertain to any claims which may from time to time be certified by the said Commissioners of Arbitration to be the subject of any counter claim before them, or of any suits in the courts of the said colony of Barbadoes, or in any court of appeal, and to direct the payment, to the account of the said Accountants General respectively at the Bank of England, by the said Commissioners for the Reduction of the National Debt, of the amount of any interest that may have accrued and become due upon any such claims previously to the 10th of October 1835, from which time the interest on the said reduced 3*l.* 10*s.* per centum per annum reduced annuities is to commence and be payable; and it shall be lawful for the said Accountants General respectively to invest the amount of any such interest in the like reduced 3*l.* 10*s.* per centum per annum reduced annuities, and also to invest therein the future half-yearly dividends arising from such reduced annuities as the same shall arise and become due; and all such reduced annuities so transferred to or purchased by the said Accountant General of the Court of Chancery, or the said Accountant General of the Court of Exchequer may be held by them respectively, in the books of the said Governor and Company of the Bank of England, in trust for the purposes of the said recited Acts or of this Act, and shall be liable to such and the like provisions in respect to the sale and payment of the proceeds thereof or to the transfer thereof by the said Accountants General respectively, so far as regards the claims to compensation arising in the said colony of Barbadoes, as the 3*l.* per centum consolidated bank annuities are subject and liable to in respect of litigated claims in the several other colonies.

IV. That it shall and may be lawful for the said Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer to appoint a fit and proper person to do and perform all or any of the duties imposed upon the said Accountants General respectively by this Act; and that the acts of the said deputy shall be as valid and effectual for all purposes under this Act as if the same had been done by the said Accountants General themselves respectively.

And after reciting that numerous powers of attorney have been executed by parties resident in the several colonies who are entitled to compensation under the said recited Acts, constituting the persons named therein their lawful attorneys to receive payment from the Commissioners for the Reduction of the National Debt, out of the monies standing upon their account in the books of the Bank of England under the title of "The West India Compensation Account," of such sum or sums of money as may be awarded to them from time to time under the provisions of the said recited Act, 3 & 4 Will. 4, and to give receipts for such sum or sums of money, and to do all lawful acts requisite for effecting the premises: And that by the operation of the said recited Act, 5 & 6 Will. 4, and of this Act, certain proportions of the said compensation monies have been and will be invested in certain bank annuities in the name and to the account of the Commissioners for the Reduction of the National Debt,

and of the Accountant General of the Court of Chancery, and of the Accountant General of the Court of Exchequer, respectively; and it is expedient that any attorney or attorneys so constituted as aforesaid should be empowered to receive transfer of such bank annuities or payments in money from the said Accountants General as well as from the said Commissioners;—

It is therefore Enacted,

v. That all powers of attorney which shall have been executed in the manner before mentioned by any persons whatsoever entitled to compensation under the said recited Act, 3 & 4 Will. 4, or which may be so executed after the passing of this Act, shall be and the same are hereby declared to be as valid and effectual to all intents and for all purposes in respect of the receipt of any sum or sums of money or of any bank annuities from the said Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, and also in respect of the receipt of any Bank Annuities from the Commissioners for the Reduction of the National Debt, as such powers of attorney have been and would be in respect of the receipt of money from the said Commissioners for the Reduction of the National Debt; and the said Accountant General of the Court of Chancery and the Accountant General of the Court of Exchequer respectively are hereby authorized and required to pay any sum or sums of money or to transfer any bank annuities or portions thereof, and the said Commissioners for the Reduction of the National Debt are hereby authorized and required to transfer any bank annuities or portions thereof, to the person or persons mentioned and described in the said powers of attorney, in satisfaction and in pursuance of any award or decree made under the provisions of the said recited Acts or of this Act, in like manner as the said Commissioners for the Reduction of the National Debt have already acted upon such powers of attorney in respect of the payment of any sum or sums of money awarded under the said recited Acts.

And after reciting that it is expedient that persons entitled to compensation under the said recited Acts should be relieved from the payment of stamp duty on their letters or powers of attorney to receive such compensation where the sums to be received are of small amount, and that all persons who have acted or shall hereafter act upon or under the authority contained in any such letters or powers of attorney should be absolved and indemnified from and against all penalties and liabilities incurred by reason of such letters or powers of attorney not being duly stamped:—

It is Enacted,

vi. That all letters or powers of attorney heretofore made and executed, or which shall be hereafter made and executed, for the purpose of authorizing the receipt of any sum or sums of money as or for compensation awarded under the said recited Acts, where the sum or sums received or to be received under the authority of such letters or powers of attorney respectively, do not amount to 20*l.*, shall be and the same are hereby exempted from all stamp duty; and all persons who at any time heretofore have paid or received, or shall at any time hereafter pay or receive, any sum or sums of money not amounting to 20*l.* in each case, upon or under the authority contained in any such letters or powers of attorney respectively, shall be and such persons are hereby absolved and indemnified from and against all penalties, losses, and liabilities incurred or sustained or to be incurred or sustained by reason of such letters or powers of attorney not being duly stamped.

vii. That if the Comptroller General or Assistant Comptroller General, or other officer appointed by and acting under the said Commissioners for the Reduction of the National Debt, or the Accountant General of the Court of Chancery, or the Accountant General of the Court of Exchequer, shall, for the purpose of carrying into effect the provisions of the said recited Acts or this Act, deem it necessary and require that some evidence should be given of the identity of the party named in any letter of attorney, or as to the truth of any matter contained in or necessary for the explanation of such letter of attorney, it shall and may be lawful to and for the said Comptroller General or Assistant Comptroller General or such other officer employed under the said Commissioners for the Reduction of the National Debt as may be especially nominated and appointed by the said Commissioners for this purpose, or to and for the said Accountant General of the Court of Chancery or the said Accountant General of the Court of Exchequer respectively, to take and receive the declaration of any person or persons competent to give such evidence as aforesaid, and such declaration shall be made in the form and manner prescribed by an Act, 5 & 6 Will. 4. c. 62, intituled, 'An Act to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.'

viii. That any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

And after reciting that, in order to prevent the great inconvenience and loss which would have resulted to many of the claimants for compensation under the said recited Acts, and to other persons interested therein, some of the provisions hereinbefore contained have already been acted upon;—

It is therefore Enacted,

ix. That all the acts, matters, and things whatsoever which have been already done and performed in accordance with any of the provisions of this Act by the said Commissioners of Arbitration, the said Commissioners for the Reduction of the National Debt, and the said Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer, or any or either of them, or by the several officers acting under them respectively, shall be and the same are hereby declared to be as valid and effectual to all intents and purposes as if the said acts, matters, and things had been done and performed expressly under the sanction of this Act; and the said Commissioners of Arbitration, the Commissioners for the Reduction of the National Debt, the Accountant General of the Court of Chancery, and the Accountant General of the Court of Exchequer, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all actions, suits, and proceedings whatsoever for or on account or in respect of all or any acts, matters, and things whatsoever already done and performed by them or any of them, or by their respective officers, in accordance with the provisions of this Act or for or on account or in respect of any acts, matters, and things whatsoever which shall be hereafter done and performed by them or any of them in carrying into execution the provisions of this Act, or in acting under the same; and the said

Commissioners for the Reduction of the National Debt, and the said Accountant General of the Court of Chancery, and the said Accountant General of the Court of Exchequer, shall not be held or taken to be responsible for or liable to make good any payment of money or transfer of Bank Annuities already made in accordance with this Act, or which shall hereafter be made under the provisions thereof, unless the same shall have been occasioned by the wilful negligence or default of the said Commissioners or of the said Accountants General respectively: Provided always, that it shall and may be lawful to and for the Lords Commissioners of His Majesty's Treasury for the time being, or any three or more of them, to make such further regulations as they may from time to time think necessary and proper for the purpose of carrying the provisions of the said recited Acts and of this Act, so far as regards the distribution and payment of the said compensation monies, into effect, and for facilitating such distribution and payment in the manner therein provided for.

X. That upon every contested claim or counter claim heard before the said Commissioners of Arbitration, it shall and may be lawful for the said Commissioners of Arbitration to award to the party in whose favour their adjudication on such claim or counter claim is made the costs out of purse incurred by such party in the prosecution or defence and hearing of such contested claim or counter claim, and to be paid to such party by the several persons who by their claim or counter claim may have opposed the right, title, or demand established by such adjudication, or by such of those persons as to the said Commissioners may seem right; and the said Commissioners or any three of them shall thereupon give to the party in whose favour such award of costs shall be made their certificate under their hands, certifying the award of such costs, and the person or persons to and by whom the same are to be paid; and upon the production of such certificate, and proof of due notice having been given to the person or persons by whom such costs shall be awarded to be paid, the said costs shall be taxed by a Master of the High Court of Chancery or by the Master of the Court of King's Bench, which said certificate and taxation shall have the force and effect of a warrant of attorney to confess judgment in any of His Majesty's superior courts of law at Westminster; and if the person or persons by whom such costs shall be awarded to be paid or who shall be liable to pay the same shall neglect or refuse to pay the amount so taxed as aforesaid, it shall be lawful for the person or persons to whom the same shall be awarded to be paid to file the said certificate and taxation signed by the Master, with an affidavit verifying the same, in any of the said Courts, and the Court wherein the same shall be filed is hereby authorized, upon motion made to the said Court, and on being satisfied of the truth of the said affidavit, to order judgment to be entered up for the sum specified in such taxation for the person or persons to whom the same shall be awarded to be paid.

XI. Provided, That it shall not be lawful for the said Commissioners of Arbitration to award costs against any person or persons who shall have withdrawn his, her, or their claim or counter claim twenty-eight days before the day appointed by the said Commissioners for hearing the matter of such claim or counter claim.

XII. That in all appeals to His Majesty in Council from any adjudication of the said Commissioners of Arbitration, the parties appellant shall within eight days after such appeal has been lodged with the Clerk of the Council give security to the said Clerk of the Council, by recognizance to be entered into to His Majesty, in the penalty of 100*l.*, conditioned to pay such costs to the respondent appealed against as the Judicial Committee of the Privy Council shall appoint in case the adjudication appealed from shall be affirmed; and if the appellant or appellants shall neglect to give such security within the time aforesaid the appeal from thenceforth shall be and stand dismissed.

XIII. That the said Judicial Committee of the Privy Council shall have the like powers to award costs, and direct the taxation thereof, in respect of such appeals as aforesaid, as are given to the said Judicial Committee of the Privy Council, by an Act, 3 & 4 Will. 4. c. 41, intituled, 'An Act for the better Administration of Justice in His Majesty's Privy Council.'

XIV. That this Act or any part thereof may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. VI.

AN ACT for carrying into effect a Treaty made between His Majesty and the Queen Regent of Spain for the Abolition of the Slave Trade.

(30th March 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Treaty ratified on the 27th of August 1835.*—Officers commanding ships of His Majesty or of the Queen of Spain, being duly authorized, empowered to visit and search merchant ships within certain limits.
2. *Ships suspected of having been fitted out for the purpose of traffic in slaves liable to search.*
3. *His Majesty may appoint Judges and Arbitrators to decide cases of detention.*
4. *His Majesty may appoint a Secretary or Registrar to the Mixed Court.*
5. *In case of the death or incapacity from illness of any British Judge of such courts, or of the British Arbitrator.*
6. *Judges and Arbitrators to take an oath.*—Form of oath.—Secretary or Registrar's oath.
7. *Judges and Arbitrators may administer oaths.*
8. *Punishing persons giving false evidence.*
9. *Pendency of suits before the Judges to be a bar to any proceedings instituted for the recovery of the vessels detained.*
10. *Judges and Commissioners of Arbitration already appointed under former treaties may act until Judges and Arbitrators are appointed under this Act.*

11. *Vessels equipped for traffic in slaves to be deemed engaged in the slave trade.*
12. *Bounty for slaves captured.*
13. *Copy of sentence of condemnation to be produced to the Commissioners of the Treasury.*
14. *One moiety of the bounty only to be paid in certain cases.*
15. *Regulations and penalties respecting prize agents accounts extended to bounties and proceeds under this Act.*
16. *Commissioners of the Treasury may order payment of costs awarded for vessels of Her Majesty detained but not condemned.*
17. *The Commissioners of the Treasury may repay to the seizer of any vessel not condemned the expenses incurred by him.*
18. *No compensation to be made when any articles specified in the Tenth Article of the Treaty are found on board.*
19. *Defendants in actions brought for things done under this Act may plead the general issue.*
20. *All acts performed under the Treaty to be good and sufficient in law.*

This Act recites that a treaty was, on the 28th of June 1835, concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and the Queen Regent of Spain, during the minority of her daughter Donna Isabella the Second, Queen of Spain, whereby it was agreed as follows:—

ARTICLE I.—The Slave Trade is hereby again declared, on the Part of Spain, to be henceforward totally and finally abolished in all Parts of the World.

Article II.—Her Majesty the Queen Regent of Spain, during the Minority of her Daughter Donna Isabella the Second, hereby engages, that immediately after the Exchange of the Ratifications of the present Treaty, and from Time to Time afterwards, as it may become needful, Her Majesty will take the most effectual Measures for preventing the Subjects of Her Catholic Majesty from being concerned, and her Flag from being used, in carrying on in any way the Trade in Slaves; and especially that, within Two Months after the said Exchange, she will promulgate throughout the Dominions of Her Catholic Majesty a Penal Law, inflicting a severe Punishment on all those Her Catholic Majesty's Subjects who shall, under any Pretext whatsoever, take any Part whatever in the Traffic in Slaves.

Article III.—The Captain, Master, Pilot, and Crew of a Vessel condemned as good Prize by virtue of the Stipulations of this Treaty shall be severely punished according to the Laws of the Country of which they are Subjects, as also the Owner of the said condemned Vessel, unless he proves that he had no Participation in the Enterprize.

Article IV.—In order more completely to prevent all Infringement of the Spirit of the present Treaty, the Two High Contracting Parties mutually consent that those Ships of their Royal Navies respectively which shall be provided with special Instructions for that Purpose, as hereinafter mentioned, may visit such Merchant Vessels of the Two Nations as may upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves, or of having been fitted out for that Purpose, or of having, during the Voyage on which they are met by the said Cruizers, been engaged in the Traffic in Slaves, contrary to the Provisions of this Treaty; and that such Cruizers may detain and send or carry away such Vessels, in order that they may be brought to Trial in the Manner hereinafter agreed upon.

In order to fix the reciprocal Right of Search in such a Manner as shall be adapted to the Attainment of the Object of this Treaty, and at the same Time avoid Doubts, Disputes, and Complaints, the said Right of Search shall be understood in the Form and according to the Rules following:—

1°. It shall never be exercised except by Vessels of War authorized expressly for that Object, according to the Stipulations of this Treaty.

2°. In no Case shall the Right of Search be exercised with respect to a Vessel of the Royal Navy of either of the Two Powers, but only as regards Merchant Vessels.

3°. Whenever a Merchant Vessel is searched by a Ship of War, the Commander of the said Ship shall, in the Act of so doing, exhibit to the Commander of the Merchant Vessel the Document by which he is duly authorized to that End, and shall deliver to him a Certificate, signed by him, stating his Rank in the Naval Service of his Country, and the Name of the Vessel he commands; and which also declares that the only Object of the Search is to ascertain whether the Vessel is employed in the Slave Traffic, or if it is fitted up for the said Traffic: When the Search is made by an Officer of the Cruiser who is not the Commander, the said Officer shall exhibit to the Captain of the Merchant Vessel a Copy of the before-mentioned special Orders, signed by the Commander of the Cruiser, and shall in like Manner deliver a Certificate, signed by him, stating his Rank in the Royal Navy, the Name of the Commander by whose Orders he proceeds to make the Search, that of the Cruiser in which he sails, and the Object of the Search, as has been already laid down: If it appears from the Search that the Papers of the Vessel are in regular Order, and that it is employed on licit Objects, the Officer shall enter in the Log Book of the Vessel that the Search has been made in pursuance of the aforesaid especial Orders, and the Vessel shall be left at liberty to pursue its Voyage. The Rank of the Officer who makes the Search must not be less than that of Lieutenant of the Royal Navy, unless the Command, either by reason of Death or other Cause, is at the Time held by an Officer of inferior Rank.

4°. The reciprocal Right of Search and Detention shall not be exercised within the Mediterranean Sea, or within the Seas in Europe lying without the Straights of Gibraltar, and which lie to the Northward of the Thirty-seventh Parallel of North Latitude, and also within and to the Eastward of the Meridian of Longitude Twenty Degrees West of Greenwich.

Article V.—In order to regulate the Mode of carrying the Provisions of the preceding Article into execution, it is agreed;—

1°. That all the Ships of the Royal Navies of the Two Nations which shall be hereafter employed to prevent the Traffic in Slaves shall be furnished by their respective Governments with a Copy in the English and Spanish Languages of the present Treaty, of the Instructions for Cruizers annexed thereto, marked (A.), and of the Regulations for the Mixed Courts of Justice annexed thereto, marked (B.); which Annexes respectively shall be considered as integral Parts of the Treaty.

2°. That each of the High Contracting Parties shall from Time to Time communicate to the other the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their several Commanders: The said Commanders ought to hold the Rank of Captain in the Royal Navy, or at least of Lieutenant, it being nevertheless understood that the Instructions originally issued to an Officer holding the Rank of Lieutenant in the Navy, or other superior Rank, shall be sufficient, in case of Death or temporary Absence of the same, to authorize the Officer on whom the Command of the Vessel has devolved to make the Search, although the said officer may not hold the aforesaid Rank in the Service.

3°. That if at any Time the Commander of a Cruiser of either of the Two Nations shall suspect that any Merchant Vessel under the Escort or Convoy of any Ship or Ships of War of the other Nation carries Slaves on board, or has been engaged in the Traffic in Slaves, or is fitted out for the Purpose thereof, the said Commander of the Cruiser shall communicate his Suspicions to the Commander of the Convoy, who, accompanied by the Commander of the Cruiser, shall proceed to the Search of the suspected Vessel; and in case that the Suspicions appear well founded, according to the Tenor of this Treaty, then the said Vessel shall be conducted or sent to one of the Points where the Mixed Courts of Justice are stationed, in order that the just Sentence may there be pronounced.

4°. It is further mutually agreed, that the Commanders of the Ships of the Two Royal Navies respectively who shall be employed on this Service shall adhere strictly to the exact Tenor of the aforesaid Instructions.

Article VI.—As the Two preceding Articles are entirely reciprocal, the Two High Contracting Parties engage mutually to make good any Losses which their respective Subjects may incur by the arbitrary and illegal Detention of their Vessels; it being understood that this Indemnity shall be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention, and that the Visit and Detention of Vessels specified in the Fourth Article of this Treaty shall only be effected by those British or Spanish Ships which may form Part of the Two Royal Navies respectively, and by such of those Ships only as are provided with the special Instructions annexed to the present Treaty, in pursuance of the Provisions thereof. The Indemnification for the Damages of which this Article treats shall be made within the Term of One Year, reckoning from the Day in which the Mixed Court of Justice pronounces its Sentence.

Article VII.—In order to bring to Adjudication, with as little Delay and Inconvenience as possible, the Vessel which may be detained according to the Tenor of the Fourth Article of this Treaty, there shall be established, as soon as may be practicable, Two Mixed Courts of Justice, formed of an equal Number of Individuals of the Two Nations, and named for this Purpose by their respective Sovereigns. These Courts shall reside, the one in a Possession belonging to His Britannic Majesty, the other within the Territories of Her Catholic Majesty; and at the Period of the Exchange of the Ratifications of the present Treaty the Two Governments shall declare, each for its own Dominions, in what Place these Courts shall respectively reside.

But each of the Two High Contracting Parties reserves to itself the Right of changing at its Pleasure the Place of Residence of the Court held within its own Dominions: Provided always, that one of the Two Courts shall always be held upon the Coast of Africa, and the other in one of the Colonial Possessions of Her Catholic Majesty.

These Courts, from which there shall be no Appeal, shall judge the Causes submitted to them according to the Provisions of the present Treaty, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered an integral Part thereof.

Article VIII.—It is hereby agreed between the High Contracting Parties, that the Mixed Commissions which are at present established and sitting under the Convention concluded between Great Britain and Spain on the Twenty-third Day of September One thousand eight hundred and seventeen shall continue to sit, and shall during Two Months, to be reckoned from the Exchange of the Ratifications of this Treaty, and until the further Appointment and definitive Establishment of the Mixed Courts of Justice under the present Treaty, adjudge without Appeal, according to the Principles and Stipulations of the same, and of the several Annexes thereof, the Cases of such Vessels as may be sent or brought before them; and any Vacancies which may occur in such Mixed Commissions shall be filled up in the same Manner in which Vacancies of the Mixed Courts of Justice to be established under the Provisions of this Treaty are to be supplied.

Article IX.—In case the Commanding Officer of any of the Ships of the Royal Navies of Great Britain and Spain respectively, duly commissioned according to the Provisions of the Fourth Article of this Treaty, shall deviate in any respect from the Stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand Reparation; and in such Case the Government to which such Commanding Officer may belong binds himself to cause Inquiry to be made into the Subject of the Complaint, and to inflict upon the said Officer a Punishment proportioned to any wilful Transgression which he may have committed.

Article X.—It is hereby further mutually agreed, that every Merchant Vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may lawfully be detained and sent or brought before the Mixed Courts of Justice established in pursuance of the Provisions thereof, if in her Equipment there shall be found any of the Things hereinafter mentioned: (namely,)

1°. Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels.

2°. Divisions or Bulk Heads in the Hold or on Deck in greater Number than necessary for Vessels engaged in lawful Trade.

3°. Spare Planks fitted for laying down as a Second or Slave Deck.

4°. Shackles, Bolts, or Handcuffs.

5°. A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel.

6°. An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared Outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or of other Vessels should only be used to hold Palm Oil, or for other Purposes of lawful Commerce.

7°. A greater quantity of Mess Tubs or Kids than are requisite for the Use of the Vessel as a Merchant Vessel.

8°. A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size.

9°. An extraordinary Quantity either of Rice, of the Flour of Brazil, Manive or Cassada, commonly called Farinha, of Maize or of Indian Corn, beyond what might properly be requisite for the Use of the Crew ; such Rice, Flour, Maize, or Indian Corn not being entered on the Manifest as Part of the Cargo for Trade.

Any One or more of these several Circumstances, if proved, shall be considered as *prima facie* Evidence of the actual Employment of the Vessel in the Slave Trade, and the Vessel shall thereupon be condemned and declared lawful Prize, unless satisfactory Evidence upon the Part of the Master or Owners shall establish that such Vessel was at the Time of her Detention or Capture employed in some legal Pursuit.

Article XI.—If any of the Things specified in the preceding Article shall be found in any Merchant Vessel, neither the Master nor Owner, nor any Person whatever interested in her Equipment or Cargo, shall be entitled to Compensation for Losses or Damages, even though the Mixed Courts of Justice should not pronounce any Sentence of Condemnation in consequence of her Detention ; but the same Tribunal shall be authorized to pay out of the Prize Fund, if they shall think it in Equity required, some Sum of Money proportionate to the Demurrage suffered, and according to the Circumstances of the Case.

Article XII.—It is agreed between the Two High Contracting Parties, that in all Cases in which a Vessel shall be detained under this Treaty by their respective Cruizers as having been engaged in the Slave Trade, or, as having been fitted out for the Purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said Vessel shall immediately after its Condemnation be broken up entirely, and shall be sold in separate Parts after having been so broken up.

Article XIII.—The Negroes who are found on board of a Vessel detained by a Cruizer, and condemned by the Mixed Courts of Justice, in conformity with the Stipulations of this Treaty, shall be placed at the Disposition of the Government whose Cruizer has made the Capture, but on the Understanding that not only they shall be immediately put at liberty and kept free, the Government to whom they have been delivered guaranteeing the same, but likewise engaging to afford from Time to Time, and whenever demanded by the other High Contracting Parties, the fullest information as to the State and Condition of such Negroes, with a View of ensuring the due Execution of the Treaty in this respect.

For this Purpose the Regulations annexed to this Treaty *sub littera* (C.), as to the Treatment of Negroes liberated by Sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral Part of this Treaty.

The Two High Contracting Parties reserve to themselves the Right to alter or suspend, by common Consent and mutual Agreement, but not otherwise, the Terms and Tenor of such Regulations.

Article XIV.—The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral Part thereof, are as follows :—

(A.) Instructions for the Ships of the Royal Navies of both Nations destined to prevent the Traffic in Slaves.

(B.) Regulations for the Mixed Courts of Justice, which are to hold their Sitzings on the Coast of Africa, and in one of the Colonial Possessions of Her Catholic Majesty.

(C.) Regulations as to the Treatment of liberated Negroes.

Article XV.—The present Treaty, consisting of Fifteen Articles, shall be ratified, and the Ratifications thereof exchanged within the Space of Two Months from this Date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed in Duplicate Two Originals, English and Spanish, the present Treaty, and have thereunto affixed the Seal of their Arms.

Madrid, this Twenty-eighth Day of June in the Year One thousand eight hundred and thirty-five.

George Villiers. (L.S.)

Francisco Martinez de la Rosa. (L.S.)

ANNEX (A.)

To the TREATY between GREAT BRITAIN and SPAIN for the ABOLITION of the SLAVE TRADE, of the Twenty-eighth of June One thousand eight hundred and thirty-five.

Instructions for the Ships of the British and Spanish Royal Navies employed to prevent the Traffic in Slaves.

Article I.—The Commander of any Ship belonging to the Royal British or Spanish Navy, which shall be furnished with these Instructions, shall have a Right to search and detain any British or Spanish Merchant Vessel which shall be actually engaged or suspected to be engaged in the Slave Trade, or to be fitted out for the Purposes thereof, or to have been engaged in the Traffic in Slaves during the Voyage in which she may be met with by such Ship of the British or Spanish Navy ; and such Commander shall thereupon bring or send such Merchant Vessel as soon as possible for Judgment before that one of the Two Mixed Courts of Justice established in virtue of the Seventh Article of the said Treaty which shall be the nearest to the Place of Detention, or which such Commander shall upon his own Responsibility think can be soonest reached from such Place.

Article II.—Whenever a Ship of either of the Royal Navies, duly authorized as aforesaid, shall meet a Merchant Vessel liable to be visited under the Provisions of the said Treaty, the Search shall be conducted in the mildest Manner, and with every Attention which ought to be observed between allied and friendly Nations ; and the Search shall in all Cases be made by an Officer holding a Rank not lower than that of Lieutenant in the Navies of Great Britain and Spain respectively, or by the Officer who at the Time shall be Second in Command of the Ship by which such Search is made.

Article III.—The Commander of any Ship of the Royal Navies, duly authorized as aforesaid, who may detain any Merchant Vessel in pursuance of the Tenor of the present Instructions, shall leave on board the Vessel so detained the Master,

the Mate, or Boatswain, and Two or Three at least of the Crew thereof, the whole of the Slaves, if any, and all the Cargo ; the Captor shall, at the Time of Detention, draw up in Writing an authentic Declaration, which shall exhibit the State in which he found the detained Vessel, such Declaration to be signed by himself, and to be given in or sent, together with the captured Vessel, to the Mixed Court of Justice before which such Vessel shall be carried or sent for Adjudication. He shall deliver to the Master of the detained Vessel a signed Certificate of the Papers seized on board the same, as well as of the Number of Slaves found on board at the Moment of Detention.

In the authenticated Declaration which the Captor is hereby required to make, as well as in the Certificate of the Papers seized, he shall insert his own Name and Surname, the Name of the capturing Ship, the Latitude and Longitude of the Place where the Detention shall have taken place, and the Number of Slaves found on board of the Vessel at the Time of the Detention.

The Officer in charge of the Vessel detained shall, at the Time of bringing the Vessel's Papers into the Mixed Court of Justice, deliver into the Court a Paper, signed by himself and verified on Oath, stating the Changes which have taken place in respect to the Vessel, her Crew, the Slaves, if any, and her Cargo, between the Period of her Detention and the Time of delivering in such Paper.

Article IV.—The Slaves shall not be disembarked until after the Vessel which contains them shall have arrived at the Place of Adjudication, in order that, in the event of the Vessel not being adjudged legal Prize, the Loss of the Proprietors may be more easily repaired ; and even after the Arrival of the Slaves at such Place they are not to be landed without the Permission of the Mixed Court of Justice.

But if urgent Reasons, arising from the Length of the Voyage, from the State of Health of the Slaves, or from any other Causes, should require that either the Whole or a Portion of the Negroes should be disembarked before the Vessel can arrive at the Place at which one of the said Courts is established, the Commander of the capturing Ship may take upon himself the Responsibility of so disembarking the Negroes; provided that the Necessity of the Disembarkation and the Causes thereof be stated in a Certificate in proper Form, and provided that this Certificate shall be drawn up and entered at the Time on the Log Book of the detained Vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty, signed by them on this Day the Twenty-eighth of June One thousand eight hundred and thirty-five, that the present Instructions shall be annexed to the said Treaty, and be considered an integral Part thereof.

This Day, the Twenty-eighth of June in the Year One thousand eight hundred and thirty-five.

George Villiers. (L. S.)

Francisco Martinez de la Rosa. (L. S.)

ANNEX (B.)

To the TREATY between GREAT BRITAIN and SPAIN for the ABOLITION of the SLAVE TRADE, of the Twenty-eighth of June One thousand eight hundred and thirty-five.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in a Colonial Possession of Her Catholic Majesty.

Article I.—The Mixed Courts of Justice to be established under the Provisions of the Treaty of which these Regulations are declared to be an integral Part shall be composed in the following manner :

The Two High Contracting Parties shall each of them name a Judge and an Arbitrator, who shall be authorized to hear and to decide, without appeal, all Cases of Capture or Detention of Vessels which, in pursuance of the Stipulations of the aforesaid Treaty, shall be brought before them.

The Judges and the Arbitrators shall, before they enter upon the Duties of their Office, respectively make Oath before the principal Magistrate of the Place in which such Courts respectively shall reside that they will judge fairly and faithfully, that they will have no Preference either for the Claimant or for the Captors, and that they will act in all their Decisions in pursuance of the Stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a Secretary or Registrar, who shall be appointed by the Sovereign in whose Territories such Court shall reside.

Such Secretary or Registrar shall register all the Acts of such Court, and shall, before he enters upon his Office, make Oath before the Court to which he is appointed that he will conduct himself with due Respect for its Authority, and will act with Fidelity and Impartiality in all Matters relating to his said Office.

The Salary of the Secretary or Registrar of the Court to be established on the Coast of Africa shall be paid by His Britannic Majesty, and that of the Secretary or Registrar of the Court to be established in the Colonial Possessions of Spain shall be paid by Her Catholic Majesty.

Each of the Two Governments shall defray Half of the Aggregate Amount of the Expenses of such Courts.

Article II.—The Expenses incurred by the Officer charged with the Reception, Maintenance, and Care of the detained Vessel, Slaves, and Cargo, and with the Execution of the Sentence, and all Disbursements occasioned by bringing a Vessel to Adjudication, shall, in case of Condemnation, be defrayed from the Funds arising out of the Sale of the Materials of the Vessel after the Vessel shall have been broken up, of the Ship's Stores, and of such Parts of the Cargo as shall consist of Merchandize, and in case the Proceeds arising out of this Sale should not prove sufficient to defray such expenses, the Deficiency shall be made good by the Government of the Country within whose Territories the Adjudication shall have taken place.

If the detained Vessel shall be released, the Expenses occasioned by bringing her to Adjudication shall be defrayed by the Captors, except the Cases specified and otherwise provided for under Article the XIth of the Treaty to which these Regulations form an Annex, and under Article the VIIth of these Regulations.

Article III.—The Mixed Courts of Justice are to decide upon the Legality of the Detention of such Vessels, as the Cruisers of either Nation shall in pursuance of the said Treaty detain.

These Courts shall adjudge definitively, and without Appeal, all Questions which shall arise out of the Capture and Detention of such Vessels.

The Proceedings of these Courts shall take place as summarily as possible; and for this Purpose the Courts are required to decide each Case, as far as may be practicable, within the Space of Twenty Days, to be dated from the Day on which the detained Vessel shall have been brought into the Port where the deciding Court shall reside.

The final Sentence shall not in any Case be delayed beyond the Period of Two Months, whether on account of the Absence of Witnesses or for any other Cause, except upon the Application of any of the Parties interested; but in that Case, upon such Party or Parties giving satisfactory Security that they will take upon themselves the Expense and Risk of the Delay, the Courts may, at their Discretion, grant an additional Delay not exceeding Four Months.

Either Party shall be allowed to employ such Counsel as he may think fit to assist him in the Conduct of his Cause.

All the Acts and essential Parts of the Proceedings of the said Courts shall be written down in the Language of the Country in which the Courts shall respectively reside.

Article IV.—The Form of Process, or Mode of proceeding to Judgment, shall be as follows:—

The Judges appointed by the Two Nations respectively shall, in the first place, proceed to examine the Papers of the detained Vessel, and shall take the Depositions of the Master or Commander, and of Two or Three at least of the principal Individuals on board of such Vessel, and shall also take the Declaration on Oath of the Captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the said Vessel has been justly detained or not, according to the Stipulations of the aforesaid Treaty, and in order that, according to this Judgment, the Vessel may be condemned or released. In the event of the Two Judges not agreeing as to the Sentence which they ought to pronounce in any case brought before them, whether with respect to the Legality of the Detention or the Liability of the Vessel to Condemnation, or to the Indemnification to be allowed, or as to any other Question which may arise out of the said Capture, or in case any Difference of Opinion should arise between them as to the Mode of proceeding in the said Court, they shall draw by Lot the Name of One of the Two Arbitrators so appointed as aforesaid; which Arbitrator, after having considered the Proceedings which have taken place, shall consult with the Two above-mentioned Judges on the Case, and the final Sentence or Decision shall be pronounced conformably to the Opinion of the Majority of the Three.

Article V.—If the detained Vessel shall be restored by the Sentence of the Court, the Vessel and the Cargo, in the State in which they shall then be found, shall forthwith be given up to the Master or to the Person who represents him, and such Master or other Person may before the same Court claim a Valuation of the Damages which he may have a Right to demand. The Captor himself, and in his Default his Government, shall remain responsible for the Damages to which the Master of such Vessel, or the Owners either of the Vessel or of her Cargo, may be pronounced to be entitled.

The Two High Contracting Parties bind themselves to pay, within the Term of a Year from the Date of the Sentence, the Costs and Damages which may be awarded by the above-named Court, it being mutually understood and agreed that such Costs and Damages shall be made good by the Government of the Country of which the Captor shall be the Subject.

Article VI.—If the detained Vessel shall be condemned, she shall be declared lawful Prize, together with her Cargo of whatever Description it may be, with the Exception of the Slaves who shall have been brought on board for the Purposes of Commerce, and the said Vessel, subject to the Regulations in Article XII. of the Treaty of this Date, shall, as well as her Cargo, be sold by public Sale for the Profit of the Two Governments, subject to the Payments of the Expenses hereinafter mentioned.

The Slaves shall receive from the Court a Certificate of Emancipation, and shall be delivered over to the Government to whom the Cruiser which made the Capture belongs, to be dealt with according to the Regulations and Conditions contained in the Annex to this Treaty *sub littera* C.

Article VII.—The Mixed Courts of Justice shall also take the cognizance of, and shall decide definitively and without Appeal, all Claims for Compensation on account of Losses occasioned to Vessels and Cargoes which shall have been detained under the Provisions of this Treaty, but which shall not have been condemned as legal Prize by the said Courts and in all Cases wherein Restitution of such Vessels and Cargoes shall be decreed, save as mentioned in Article XI. of the Treaty to which these Regulations form an Annex, and in a subsequent Part of these Regulations, the Court shall award to the Claimant or Claimants, or to his or their lawful Attorney or Attorneys, for his or their Use, a just and complete Indemnification for all Costs of Suit, and for all Losses and Damages which the Owner or Owners may have actually sustained by such Capture and Detention; and it is agreed that such Indemnification shall be as follows:—

First, in case of total Loss, the Claimant or Claimants shall be indemnified,—

- A. For the Ship, her Tackle, Equipment, and Stores.
- B. For all Freights due and payable.
- C. For the Value of the Cargo of Merchandise, if any, deducting all Charges and Expenses payable upon the Sale of such Cargo, including Commission of Sale.
- D. For all other regular Charges in such Case of total Loss.

Secondly, in all other Cases (save as hereinafter mentioned), not of total Loss, the Claimant or Claimants shall be indemnified,—

- A. For all special Damages and Expenses occasioned to the Ship by the Detention and for loss of Freight when due or payable.
- B. For Demurrage when due, according to the Schedule annexed to the present Article.
- C. For any Deterioration of the Cargo.
- D. For all Premium of Insurance on additional Risks.

The Claimant or Claimants shall be entitled to Interest at the Rate of Five per Centum per Annum on the Sum awarded until such Sum is paid by the Government to which the capturing Ship belongs; the whole Amount of such Indemnifications shall be calculated in the Money of the Country to which the detained Vessel belongs, and shall be liquidated at the Exchange current at the Time of the Award.

The Two High Contracting Parties however have agreed, that if it shall be proved to the Satisfaction of the Judges of the Two Nations, and without having recourse to the Decision of an Arbitrator, that the Captor has been led into Error by the Fault of the Master or Commander of the detained Vessel, the detained Vessel in that Case shall not have the Right of receiving for the Time of her Detention the Demurrage stipulated by the present Article, nor any other Compensation for Losses, Damages, or Expenses consequent upon such Detention.

SCHEDULE of Demurrage or daily Allowance for a Vessel of

One hundred Tons to One hundred and twenty inclusive	5l.	} per Diem.
One hundred and twenty-one Tons to One hundred and fifty inclusive	6l.	
One hundred and fifty-one Tons to One hundred and seventy inclusive	8l.	
One hundred and seventy-one Tons to Two hundred inclusive	10l.	
Two hundred and one Tons to Two hundred and twenty inclusive	11l.	
Two hundred and twenty-one Tons to Two hundred and fifty inclusive	12l.	
Two hundred and fifty-one Tons to Two hundred and seventy inclusive	14l.	
Two hundred and seventy-one Tons to Three hundred inclusive	15l.	

And so on in Proportion.

Article VIII.—Neither the Judges nor the Arbitrators nor the Secretaries of the Mixed Courts of Justice shall demand or receive from any of the Parties concerned in the Cases which shall be brought before such Courts any Emolument or Gift, under any Pretext whatsoever, for the Performance of the Duties which such Judges, Arbitrators, and Secretaries have to Perform.

Article IX.—The Two High Contracting Parties have agreed, that in the event of the Death, Sickness, Absence on Leave, or any other legal Impediment of One or more of the Judges or Arbitrators composing the above-mentioned Courts respectively, the Post of such Judge and of such Arbitrator shall be supplied *ad interim* in the following Manner :

1°. On the Part of His Britannic Majesty, and in that Court which shall sit within the Possessions of His said Majesty, if the Vacancy be that of the British Judge, his Place shall be filled up by the British Arbitrator ; and either in that Case, or in the Case where the Vacancy be originally that of the British Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government ; and the said Court so constituted as above shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and to pass Sentence accordingly.

2°. On the Part of Great Britain, and in that Court which shall sit within the Possessions of Her Catholic Majesty, if the Vacancy be that of the British Judge, his Place shall be filled by the British Arbitrator ; and either in that Case, or in the Case where the Vacancy be originally that of the British Arbitrator, his Place shall be filled successively by the British Consul and British Vice Consul, if there be a British Consul or British Vice Consul appointed to and resident in such Possession ; and in the Case where the Vacancy be both of the British Judge and of the British Arbitrator, then the Vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice Consul, if there be a British Consul and British Vice Consul appointed to and resident in such Possession, and if there shall be no British Consul or British Vice Consul to fill the Place of British Arbitrator, then the Spanish Arbitrator shall be called in in those Cases in which a British Arbitrator, were there any, would be called in ; and in case the Vacancy be both of the British Judge and British Arbitrator, and there be neither British Consul nor British Vice Consul to fill *ad interim* the Vacancies, then the Spanish Judge and Spanish Arbitrator shall sit, and in all cases brought before them for Adjudication shall proceed to adjudge the same and pass Sentence accordingly.

3°. On the Part of Spain, and in that Court which shall sit within the Possessions of Her Catholic Majesty, if the Vacancy be that of the Spanish Judge, his Place shall be filled by the Spanish Arbitrator ; and either in that Case, or in the case where the Vacancy be originally that of the Spanish Arbitrator, the Place of such Arbitrator shall be filled successively by the Governor or Lieutenant Governor resident in such Possession, by the principal Magistrate of the same, and by the Secretary of the Government ; and the said Court, so constituted as above, shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and pass Sentence accordingly.

4°. On the Part of Spain, and in that Court which shall sit within the Possessions of His Britannic Majesty, if the Vacancy be that of the Spanish Judge, his place shall be filled by the Spanish Arbitrator ; and either in that Case, or in the Case where the Vacancy be originally that of the Spanish Arbitrator, his Place shall be filled successively by the Spanish Consul and Spanish Vice Consul, if there be a Spanish Consul or Spanish Vice Consul, appointed to and resident in such Possession ; and in the Case where the Vacancy be both of the Spanish Judge and of the Spanish Arbitrator, then the Vacancy of the Judge shall be filled by the Spanish Consul and that of the Spanish Arbitrator by the Spanish Vice Consul, if there be a Spanish Consul and a Spanish Vice Consul appointed to and resident in such Possession ; and in that Case in which there be no Spanish Consul or Spanish Vice Consul to fill the Place of the Spanish Arbitrator, then the British Arbitrator shall be called in in those Cases in which a Spanish Arbitrator, were there any, would be called in ; and in case the Vacancy be both of the Spanish Judge and Spanish Arbitrator, and there be neither Spanish Consul nor Spanish Vice Consul to fill *ad interim* the Vacancies, then the British Judge and the British Arbitrator shall sit, and in all Cases brought before them for Adjudication shall proceed to adjudge the same and pass Sentence accordingly.

The Governor or Lieutenant Governor of the Settlements wherein either of the Mixed Courts of Justice shall sit, in the event of a Vacancy arising either of the Judge or the Arbitrator of the other High Contracting Party, shall forthwith give Notice of the same to the Governor or Lieutenant Governor of the nearest Settlement of such other High

Contracting Party, in order that such Vacancy may be supplied at the earliest possible Period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the Vacancies which may arise in the above-mentioned Courts from Death or from any other Cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this Day, the Twenty-eighth of June One thousand eight hundred and thirty-five, that the preceding Regulations, consisting of Nine Articles, shall be annexed to the said Treaty, and considered an integral Part thereof.

This Day, the twenty-eighth of June in the Year One thousand eight hundred and thirty-five.

George Villiers. (L.S.)

Francisco Martinez de la Rosa. (L.S.)

ANNEX (C.)

Regulations for the good Treatment of Liberated Negroes.

Article I.—The Object and Spirit of these Regulations is to secure to Negroes liberated by virtue of the Stipulations of the Treaty to which these Regulations form an Annex (marked C.) permanent good Treatment, and a full and complete Emancipation, in conformity with the humane Intentions of the High Contracting Parties.

Article II.—Immediately after Sentence of Condemnation on a Vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice, established under the Treaty to which these Regulations form an Annex, all Negroes who were on board of such Vessel, and who were brought on board for the Purpose of Traffic, shall be delivered over to the Government to whom belongs the Cruiser which made the Capture.

Article III.—If the Cruiser which made the Capture is English the British Government engages that the Negroes shall be treated in exact Conformity with the Laws in force in the British Colonies for the Regulation of free apprenticed Negroes.

Article IV.—If the Cruiser which made the Capture is Spanish, in this Case the Negroes shall be delivered over to the Spanish Authorities of the Havanna, or of any other Point of the Dominions of the Queen of Spain in which the Mixed Court of Justice is established; and the Spanish Government solemnly engages that they shall be treated strictly according to the Regulations lately promulgated and now actually in force at the Havanna with respect to the Treatment of emancipated Negroes, or according to such Regulations as may in future be adopted, and which have and shall always have the humane Object of improving and securing honestly and faithfully to the emancipated Negroes the Enjoyment of their acquired Liberty, good Treatment, a Knowledge of the Tenets of the Christian Religion, their Advancement in Morality and Civilization, and their sufficient Instruction in the mechanical Arts, in order that the said emancipated Negroes may be put in a Condition to earn their Subsistence, whether as Artisans, Mechanics, or Servants.

Article V.—For the Purpose which is explained in Article VI. there shall be kept in the Office of the Captain General or Governor of the Part of the Dominions of the Queen of Spain where the Mixed Court of Justice resides a Register of all emancipated Negroes, in which shall be entered with scrupulous Exactness the Names given to the Negroes, the Names of the Vessels in which they were captured, the Names of the Persons to whose Care they have been committed, and any other Circumstances likely to contribute to the End in view.

Article VI.—The Register to which the preceding Article refers will serve to form a general Return, which the Governor or Captain General of the Part of the Dominions of the Queen of Spain where the Mixed Court of Justice resides shall be bound to deliver every Six Months to the aforesaid Mixed Commission, in order to shew the Existence of the Negroes emancipated under this Treaty, the Decease of such as have died, the Improvement in their Condition, and the Progress made in their Instruction, both religious and moral, as also in the Arts of Life.

Article VII.—As the principal Object of the Treaty of which the present Annex forms an integral Part is no other than that of improving the Condition of these unhappy Victims of Avarice, the High Contracting Parties, animated with the same Sentiments of Humanity, agree, that if in future it should appear necessary to adopt new Measures for obtaining the same benevolent End, in consequence of those laid down in this Annex turning out inefficient, the said High Contracting Parties will consult together, and agree upon other Means better adapted for the complete Attainment of the Object proposed.

Article VIII.—The undersigned Plenipotentiaries have agreed, in conformity with the Fourteenth Article of the Treaty signed by them on this Day, the Twenty-eighth of June One thousand eight hundred and thirty-five, that this Annex, consisting of Eight Articles, shall be united to the said Treaty, and be considered an integral Part thereof.

This Day, the Twenty-eighth of June in the Year One thousand eight hundred and thirty-five.

George Villiers. (L.S.)

Francisco Martinez de la Rosa. (L.S.)

And after further reciting that the said treaty was ratified between His Majesty the King of the United Kingdom of Great Britain and Ireland and her Majesty the Queen Regent of Spain, and such ratification was exchanged on the 27th of August 1835: And that it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said treaty:—

It is Enacted,

1. That it shall and may be lawful for any officer commanding any ship of war of His Majesty or of the Queen Regent of Spain, not below the rank of lieutenant of the Royal Navy, (unless by the death or absence of the commander of such ship the command thereof shall have devolved upon an officer of inferior rank, and then for such last-mentioned officer,) and who shall be duly instructed and authorized according to the provisions of the said treaty, and for any officer not below the rank of lieutenant in the Royal Navy who shall be acting under the orders of any officer commanding a ship of war so instructed and authorized as aforesaid, to visit and search any merchant vessel of either of the said two nations which shall upon reasonable

grounds be suspected of being engaged in the traffic of slaves, or having been fitted out for that purpose, or of having during the voyage in which such vessel is met been engaged in such traffic, excepting within the Mediterranean Sea, or within the zone in Europe lying without the Straights of Gibraltar, and which lie to the northward of the 37th parallel of north latitude, and also within and to the eastward of the meridian of longitude twenty degrees west of Greenwich, and to detain and send or carry away such vessel, together with its masters, sailors, passengers, slaves, and cargo, for the purpose of such vessel being brought to adjudication before one of the Mixed Courts of justice to be established in virtue of the seventh article of the said treaty; and all such commanders and other officers are hereby authorized and required, in the exercise of such rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several provisions and instructions of the said treaty as apply thereto respectively.

II. That all ships and vessels belonging wholly or in part to His Majesty's subjects, which shall be suspected upon reasonable grounds of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having during the voyage in which such vessel is met been engaged in such traffic, and all boats, apparel, and cargoes therein, shall be and are hereby declared to be and made subject to search and detention by British or Spanish vessels of war duly authorized for that purpose according to the stipulations of the said treaty, and are also hereby made subject to the adjudication of and to condemnation or other judgment by the Judges and arbitrators of the Mixed Courts to be appointed according to the provisions of the said treaty.

III. That it shall be lawful for His Majesty, by any warrant under his royal sign manual, countersigned by one of His Majesty's principal Secretaries of State for the time being, to appoint such Judges and arbitrators as are in and by the said treaty mentioned to be appointed by His Majesty, and from time to time to supply any vacancies which may arise in such offices by appointing other persons thereto, and to grant salaries to such Judges and arbitrators as aforesaid, not exceeding such annual sums as the Lords Commissioners of His Majesty's Treasury shall from time to time direct; and such Judges and arbitrators are hereby authorized and empowered to examine and decide all such cases of detention, captures, and seizures of vessels, and their cargoes as aforesaid, detained, seized, or captured under the said treaty, as are by the said treaty and by this Act made subject to their jurisdiction, and to proceed therein, and give such judgments, and make such orders therein, and do all other acts, matters, and things appertaining thereto, agreeably to the provisions of the said treaty, as fully and effectually, to all intents and purposes, as if special powers and authorities for that purpose were specifically and particularly inserted and given in relation thereto in this Act.

IV. That it shall be lawful for His Majesty, by any warrant under his royal sign manual, countersigned by one of His Majesty's principal Secretaries of State for the time being, to nominate and appoint a Secretary or Registrar to the Mixed Court which shall be established in His Majesty's dominions, and from time to time to supply by other appointments any vacancy which may thereafter occur in such office, and to grant a salary to such Secretary or Registrar not exceeding such annual sum as the said Lords Commissioners shall from time to time direct; and such Secretary or Registrar is hereby authorized and empowered to do, perform, and execute all the duties of such office set forth and prescribed by the said treaty, and to do, perform, and execute all such acts, matters, and things as may be necessary for the due discharge of the duties of his said office.

V. That in case of the death, sickness, absence on leave, or any other legal impediment of any such British Judge of either of the said courts established by virtue of the said treaty, the British arbitrator of such court shall fill the office of such Judge *ad interim* until the office shall be thereafter filled by some person appointed by His Majesty, or until such Judge shall resume the duties of his said office; and that in case of such vacancy of the office of British arbitrator of the court established by virtue of the said treaty in the possessions of His Majesty, or in case of the death, sickness, absence on leave, or other impediment of the said arbitrator of the said court, the office of such arbitrator shall be filled *ad interim* successively by the Governor or Lieutenant Governor resident in such possession, by the principal Magistrate in the same, and by the Secretary of the government, until the said office shall be filled by some person appointed by His Majesty, or until such arbitrator shall resume the duties of his said office; and that in case of the death, sickness, absence on leave, or other legal impediment of the British arbitrator in the court established by virtue of the said treaty within the possessions of Her Catholic Majesty, or of his assuming *ad interim* the duties of a Judge of the said court as aforesaid, the office of such British arbitrator shall be filled *ad interim* successively by the British consul and British vice consul resident in such possession; and in case of such vacancy of the offices both of such British Judge and British arbitrator, then that such office of Judge shall be filled *ad interim* by the British consul, and such office of British arbitrator by the British vice consul; and in case there shall be no British consul or vice consul at such place, then that it shall be lawful for the Spanish arbitrator to act in all those cases in which a British arbitrator, if there were any, would be required to act; and in case of such vacancy in the offices both of British Judge and British arbitrator, and there should be neither a British consul nor British vice consul resident at such place, then that it shall and may be lawful for the Spanish Judge and Spanish arbitrator of such court to sit alone in such court, and in all cases brought before them for adjudication to adjudge the same and pass sentence accordingly, until the said offices shall respectively be thereafter filled by some person or persons appointed by His Majesty, or until the said British Judge and British arbitrator shall resume the duties of their said offices respectively.

VI. That every such Judge and arbitrator so appointed by His Majesty shall, before he shall enter upon the execution of any of the duties of such his office, take an oath in the presence of the principal Magistrate then residing and acting in the colony, settlement, or place, whether belonging to His Britannic Majesty or to Her most Catholic Majesty, in which the court shall be established; which oath any such Magistrate is hereby authorized to administer in the form following; (that is to say,)

'I A. B. do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office as faithfully, impartially, fairly, and without Preference or Favour, either for Claimants or Captors, or any other Persons; and that I will, to the best of my Judgment and Power, act in pursuance of and according to the Stipulations,

' Regulations, and Instructions contained in the treaty between His Majesty and Her Catholic Majesty, signed at Madrid on the Twenty-eighth Day of June One thousand eight hundred and thirty-five.'

And every Secretary or Registrar appointed by His Majesty under the provisions of the said treaty and of this Act shall, before he enters on the duties of his said office, take an oath before one of the Judges of the said court, who is hereby empowered to administer the same, in the form following; (that is to say.)

' I A. B. do solemnly swear, That I will, according to the best of my Skill and Knowledge, act in the Execution of my Office, and that I will conduct myself with Respect to the Authority of the Judges and Arbitrators of the Court to which I am attached, and will act with Fidelity in all the Affairs which may belong to my Charge, and without Preference or Favour either for Claimants or Captors or any other Persons.'

VII. That it shall be lawful for the said Judges or arbitrators, or either of them, or for any such Secretary or Registrar, and they are hereby respectively empowered, to administer oaths to and take the depositions of all parties, witnesses, and other persons who may come or be brought before them to be examined, or for the purpose of deposing in the course of any proceeding before the said Judges or arbitrators under the said treaty and this Act; and it shall also be lawful for the said Judges and arbitrators to summon before them all persons whom they may deem it necessary or proper to examine in relation to any suit, proceeding, matter, or thing under their cognisance, and to send for and issue precepts for the producing all such papers as may relate to the matters in question before them, and to enforce all such summonses, orders, and precepts by such and the like means, powers, and authorities as any court of Vice Admiralty may do.

VIII. That every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken upon or in any proceeding before the Judges or arbitrators aforesaid, under the said treaty or this Act, shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury either in the place where the offence was committed, or in any colony or settlement of His Majesty near thereto in which there is a court of competent jurisdiction to try any such offence, or in His Majesty's Court of King's Bench in England; and that in case of any prosecution for such offence in His Majesty's said Court of King's Bench the venue may be laid in the county of Middlesex.

IX. That the pendency of any suit or proceeding instituted before the said Judges or arbitrators for the condemnation or restitution of any ship or cargo or slaves taken, seized, or detained by virtue of the said treaty, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be and be deemed and adjudged in any court whatever to be a good and complete bar in any action, suit, or proceeding, whether brought or instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage, or for any injury sustained thereby or by the persons on board the same, in consequence of any capture, seizure, or detention, or act, matter, or thing, done under the authority or in pursuance of the provisions of the said treaty; anything in any Act or Acts of Parliament or law or laws to the contrary notwithstanding.

X. Provided, That, until the appointment and establishment of the Mixed Courts to be appointed and established under and by virtue of the said treaty and this Act, it shall and may be lawful for the Commissary, Judges, and Commissioners of Arbitration appointed under and by virtue of a treaty made between His Majesty and the King of Spain for preventing traffic in slaves, and signed at Madrid on the 23rd September 1817, and of an Act, 58 Geo. 3, for carrying into execution the said treaty, to do and perform all acts, matters, and things which by the said treaty of the 28th June 1835 and by this Act, are required and authorized to be done and performed by the Judges and Arbitrators of the said Mixed Courts, when established, according to the true intent and meaning of the said last-mentioned treaty and of this Act.

XI. This section enacts and declares, That if any of the particulars specified in the tenth article of the said treaty shall be found in the outfit and equipment of or on board of any such merchant vessel wholly or in part owned by subjects of His Majesty, and visited and detained in pursuance of the said treaty, such vessel shall, unless proof be given to the contrary, be held and taken to have engaged in the slave trade, or to have been fitted out for the purposes of such traffic, and to be equipped and employed for the purposes declared unlawful by an Act, 5 Geo. 4. c. 113, intituled, 'An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.'

XII. That there shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the commanders, officers, and crews of His Majesty's ships authorized to make seizures under the said treaty, a bounty of 5*l.* of lawful money of Great Britain for every man, woman, and child slave seized and found on board a British or Spanish ship or vessel taken, delivered over, and condemned in pursuance of the provisions of the said treaty and of this Act; such bounty to be issued and paid by order from the Commissioners of His Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as His Majesty, his heirs and successors, shall think fit to order and direct, by any order in council or by any proclamation to be made for that purpose.

XIII. That in order to entitle the captors to receive the said bounty money the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury, by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, military or civil, who may be appointed to receive such slaves.

XIV. That where any slaves, or persons treated, dealt with, carried, kept, or detained as slaves, shall be taken or seized on board any British or Spanish ship or vessel in pursuance of the provisions of the said treaty and of this Act, but who shall not have been condemned, or shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them, to direct the payment out of the Consolidated Fund of the United Kingdom of

Great Britain and Ireland of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over and condemned.

XV. That all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by prize agents of accounts for examination, and the distribution of prize money, and the accounting for and paying over the proceeds of prize and the per-centage due thereon to Greenwich Hospital, shall be and are hereby extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of His Majesty's ships and vessels of war.

XVI. That where any ship or vessel belonging in whole or in part to subjects of Her Catholic Majesty shall have been detained and brought to adjudication by any officers of His Majesty the King of Great Britain and Ireland, and the said ship shall be restored by sentence of the Court, as is mentioned in the fifth article of the Annex (B.) to the said treaty, it shall be lawful for the Commissioners of His Majesty's Treasury, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs and damages which may be duly awarded according to the provisions of the said last-mentioned article: Provided always, that nothing herein contained shall exempt such officer from his liability to make good the payments so made when lawfully called upon by order of the said Commissioners of his Majesty's Treasury.

XVII. That when any seizure shall be made by any of the commanders, officers, and crews of His Majesty's ships authorized to make such seizures under the aforesaid treaty, and judgment shall be given against the seizer, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizer may have incurred in respect of such seizure, or any proportional part thereof.

XVIII. That if any of the things specified in the tenth article of the said treaty shall be found on board any vessel which shall be detained and brought before either of the said Mixed Courts, neither the master nor the owner, nor any person whatsoever interested in the equipment or cargo of the vessel, shall recover any compensation or damages for such detention, although the said Mixed Court should not pronounce any sentence of condemnation; but that in such case it shall and may be lawful for the said Mixed Court, if they shall think fit, to pay out of the Prize Fund under the controul of the said Court such sum of money as according to the circumstances of the case they may judge reasonable in proportion to the demurrage suffered.

XIX. That if any action or suit shall be commenced, either in Great Britain or elsewhere, against any person or persons, for anything done in pursuance of the said treaty or this Act, in as far as it relates thereto, the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said treaty or of this Act; and if it shall appear so to have been done the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

And after reciting that by the eighth article of the said treaty it was agreed that the Mixed Commissions which were then established and sitting under the convention concluded between Great Britain and Spain on the 23rd September 1817 should continue to sit, and should during two months, to be reckoned from the exchange of the ratifications of the said treaty, and until the further appointment and definitive establishment of the Mixed Courts of justice under the said treaty, adjudge without appeal, according to the principles and stipulations of the same and of the several annexes thereof, the cases of such vessels as might be sent or brought before them; and that in conformity with the said treaty certain officers of His Majesty's Navy have been instructed and authorized to search and detain any British and Spanish merchant vessel actually engaged or suspected to be engaged in the slave trade, or to be fitted out for the purpose thereof, or to have been engaged in the traffic in slaves during the voyage in which she might be met with by such officer, and to bring or send such merchant vessel for judgment: And that it may have happened that under the said authority and instructions British and Spanish merchant vessels may have been already, and before the passing of this Act, detained and brought or sent before the mixed commissions established and sitting under the said convention between Great Britain and Spain concluded on the 23rd September 1817, and the Commissioners may have proceeded to adjudge the cases of such vessels: and it is expedient that all acts done in conformity with the said treaty and with the said instructions should be rendered valid, and that all persons acting under and by virtue of such authority and instructions should be protected and indemnified:—

It is Enacted,

XX. That all acts done by or under the authority of any officer of His Majesty's Navy in conformity with the said treaty, who may have been instructed and authorized to search and detain and bring or send any merchant vessels for judgment according to the said treaty, and all adjudications and orders and other acts which may have been made and done by the said Mixed Commissions in consequence thereof, shall be deemed and taken to be good and valid in law; and no officer of His Majesty's Navy or other person acting under such instructions and authority, and in conformity with the said treaty, and no Commissioner or other officer of the said Mixed Commissions, shall be liable to any prosecution or suit at law for any such acts, adjudications, or orders so done or made by them respectively as aforesaid.

CAP. VII.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-seven; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-seven; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

(30th March 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further time.
2. Indemnity to those who have omitted to make and subscribe the oaths, &c. required by the Irish Act of 2 Anne.
3. Not to indemnify persons against whom final judgment is given.
4. Not to exempt Justices acting without legal qualification.
5. Admissions to corporations may be stamped after time allowed by law.
6. Indemnity to persons who have paid the duties on indentures to serve as clerks to attornies, &c., but have neglected to cause affidavits thereof to be made.—Neglect of attornies, &c. in taking out their annual certificates not to disqualify the persons who have served them.
7. Defects in the service, &c. of attornies not to disqualify persons who have served them.
8. Applications for striking attornies off the roll for defect in articles, &c. to be made within twelve months of admission.
9. Not to restore persons to any office avoided by judgment.
10. General issue.

By this Act,

After stating that divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or assurance respectively appointed to be by such persons taken and subscribed in and by an Act, 1 Geo. 1. stat. 2. c. 13, intituled, 'An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors; or to have qualified themselves according to an Act, 13 Car. 2. stat. 2. c. 1, intituled, 'An Act for the well-governing and regulating of Corporations; or to have qualified themselves according to another Act, 25 Car. 2. stat. 2. c. 2, intituled, 'An Act for preventing the Dangers which may happen from Popish Recusants; or according to another Act, 30 Car. 2. stat. 2, intituled, 'An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament; or according to another Act, 8 Geo. 1. c. 6, intituled, 'An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under; or according to another Act, 9 Geo. 2. c. 26, intituled, 'An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions, and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees; or according to another Act, 18 Geo. 2. c. 20, intituled, 'An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled, "An Act for the further Qualification of Justices of the Peace;" or according to another Act, 6 Geo. 3. c. 53, intituled, 'An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act, made in the Seventh Year of the Reign of Her late Majesty Queen Anne, intituled, "An Act for the Improvement of the Union of the Two Kingdoms," as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprison of Treason; or according to another Act, 9 Geo. 4. c. 17, intituled, 'An Act for repealing so much of several Acts as impose the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments; or according to another Act, 10 Geo. 4. c. 7, intituled, 'An Act for the Relief of His Majesty's Roman Catholic Subjects,' so far only as the said Act relates to any civil or military offices or places of trust, or places of profit or corporate offices; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the oaths and assurance and make and subscribe the declaration required by the said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such time and in such manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring divers penalties and disabilities: For quieting the minds of His Majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions,—

It is Enacted,

1. That all and every person or persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the oaths and declarations, or otherwise to qualify him, her, or themselves, within such time and in such manner as in and by the said Acts or any of them is required, and who, after accepting any such office, place, or employment, or

undertaking any profession or thing, on account of which such qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said oaths or made the declarations required by law, or who, on or before the 25th of March 1837, shall take and subscribe the oaths, declarations, and assurance respectively, in such cases wherein by the said several Acts or any or either of them the said oaths, declarations, and assurance ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission, previous to the passing of this Act, of taking or subscribing the said oaths or assurance, or making or subscribing the said declarations respectively, or taking or subscribing the said oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such person or persons is and are and shall be fully and actually recapacitated and restored to the same state and condition as he, she, or they were in before such neglect or omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all elections of, and acts done or to be done by, any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, according to the directions of the said Acts and every or any of them; and that the qualification of such person or persons qualifying themselves in manner and within the time appointed by this Act shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, within the time and in the manner appointed by the several Acts before mentioned.

And after reciting that several persons well affected to His Majesty's government, and to the United Church of England and Ireland, have, through ignorance of the law, neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the declaration according to the directions of an Act, passed in the Parliament of Ireland, 2 Anne, intituled, 'An Act to prevent the further Growth of Popery':—

It is Enacted,

II. That all persons who have incurred any penalty or incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and that no act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but that all such acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oath, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said Act is mentioned; anything in the said Act to the contrary notwithstanding: Provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place or places respectively, as are directed and appointed by the said last recited Act on or before the 25th of March 1837.

III. Provided, that this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of His Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

IV. Provided, that nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within Great Britain from the penalties to which he is subject for acting as such without being possessed of the qualification required by the laws now in force.

And after stating that the appointment of divers clerks of the peace, town clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns in Great Britain and Ireland, or the entries of such admissions in the court books, rolls, or records of such cities, corporations, and borough towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid;—

It is Enacted,

V. That for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in Great Britain or Ireland, on or before the 25th of March 1837, to provide or cause to be provided appointments and admissions, or entries of admissions, as aforesaid, duly stamped; or in case where such appointments, admissions, or entries of admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid to the Commissioners appointed to inspect and manage the revenues of the stamp duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on payment of double the amount of the duties first payable or to have been paid on such appointments, admissions, or entries as aforesaid, without any other fine or forfeiture thereon; and, in order to denote the said duties, the said Commissioners are hereby authorized and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this Act in execution, in the like and in as full and ample manner as they or the major part of them are authorized to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, and other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold and enjoy and execute such offices, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns as aforesaid, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

And after stating that many persons who have paid the proper stamp duties, either before or within six months after the execution of the contracts in writing entered into by them to serve as clerks to attorneys or solicitors, scriveners or notaries public, in Great Britain, have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of such contracts, and have also omitted to cause such contracts and the indentures thereof to be enrolled within the time in which the same ought to have been done; and many solicitors, attorneys, notaries public, and others have omitted to take out annual certificates, or to enter the same in the proper office; and many infants and others may thereby incur certain disabilities: for preventing thereof, and relieving such persons,—

It is Enacted,

VI. That every person who shall, either before or within six months after the execution of such contract or indenture, have paid the proper stamp duty in that behalf, and who at the passing of this Act shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, or such contract or indenture to be enrolled, and who, on or before the first day of Hilary 1837, shall cause such contract or indenture to be enrolled with the proper officer in that behalf, and one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be and is hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities in or by any Act or Acts of Parliament mentioned, and incurred or to be incurred for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be duly filed on or before the first day of Hilary 1837, shall be as effectual to all intents and purposes as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed; and that the respective officer or officers, who ought to receive, file, enter, or register such contract or indenture, or affidavit or affidavits, shall not refuse to receive, file, enter, or register the same by reason that the attorney, solicitor, or notary public to whom such infant or other person shall have been articulated or have contracted to serve, shall have neglected to take out his annual certificate, or to register the same, but such officer or officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such omission; and that every person who shall have regularly served any attorney or attorneys, solicitor or solicitors, notary public or notaries public, for the term of years required by law, shall not be prevented or disqualified from being admitted an attorney, solicitor, or notary public, by reason of any omission of the person or persons to whom he served for the same term, or for any part thereof, having so neglected to take out his annual certificate, or to register the same, provided that such person is otherwise entitled to be created and admitted to such office by the laws now in force relating thereto.

VII. That in case the attorney, solicitor, proctor, or notary to whom any person shall have duly served his clerkship under articles in writing for that purpose shall after such service of the clerk be struck off the roll, in consequence of some defect in the service under the articles of clerkship or of the admission and enrolment of such attorney, solicitor, proctor, or notary, the person who has so duly served his clerkship shall not be prevented or disqualified from being admitted and enrolled as an attorney, solicitor, proctor, or notary, nor liable to be struck off the roll, if admitted, by reason of any such defect as aforesaid, provided that such clerk or person be otherwise entitled to be admitted and enrolled according to the laws now in force relating thereto.

VIII. That no person who has been admitted and enrolled and in actual practice as an attorney, solicitor, proctor, or notary shall be liable to be struck off the roll for or on account of any defect in the articles of clerkship, or the registry thereof, or the service under such articles, or of his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment.

IX. Provided, that this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of His Majesty's courts of record, already legally filled up and enjoyed by any other person; but that such office or employment, benefice, matter, or thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

X. That in case any action, suit, bill of indictment, or information shall from and after the passing of this Act be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon.

CAP. VIII.

AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

(22nd April 1836.)

By this Act,

It is enacted, that the number of the forces should consist of 81,319 men, exclusive of the officers and men belonging to the regiments employed in the territorial possessions of the East India Company, but including the officers and men in the troops and companies recruiting for those regiments. No new clauses or provisions are introduced into this Act, and the principal enactments will be found in the Abstracts of Statutes for former years.

CAP. IX.

AN ACT for the Regulation of His Majesty's Royal Marine Forces while on Shore.

(22nd April 1836.)

Abstracts of the principal clauses and provisions in this Act will be found in the Abstracts of the Statutes for the Law Journal of former years.

CAP. X.

AN ACT to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of *Stafford* from sending Burgesses to serve in Parliament.

(19th May 1836.)

ABSTRACT OF THE ENACTMENTS.

1. All persons, except candidates, implicated in bribery at *Stafford*, who may be examined before the House of Lords and shall make a faithful disclosure, indemnified.
2. Witnesses examined before the House of Lords, or any committee thereof, not to be indemnified unless they shall have a certificate from the Lord Chancellor.

By this ACT,

After reciting that an Act has been passed, intituled, 'An Act to exclude the Borough of *Stafford* from sending Burgesses to serve in Parliament:' and that it is alleged that there has been the most notorious, long-continued, and general bribery and corruption in the election of burgesses to serve in Parliament for the borough of *Stafford*, and that such bribery and corruption are likely to continue and be practised in future unless some means are taken to prevent the same: and that it may be desirable to examine as witnesses at the bar of the Lords Spiritual and Temporal in respect of such alleged bribery and corruption several persons; and the evidence of such persons may tend to expose them to penal consequences: and that it is expedient to indemnify such persons, upon their making such true and faithful disclosure and discovery as hereinafter mentioned:

It is Enacted,

1. That for the more effectually prosecuting the said inquiry, every person who may have been implicated or engaged in such alleged bribery and corruption at or connected with any election of members to serve in Parliament for the said borough of *Stafford*, and who shall be examined as witnesses or a witness at the bar of the Lords Spiritual and Temporal touching such alleged bribery and corruption, and who shall upon such examination make a true and faithful discovery and disclosure to the best of his or her knowledge touching all acts, matters, and things to which he or she shall be so examined, shall be and he and she is hereby freed, indemnified, and discharged of, from, and against all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur, at the suit of His Majesty, his heirs or successors, or any other person, for or by reason or means of or in relation to any act, matter, or thing done or committed by such person or persons in respect of such alleged bribery and corruption.

11. Provided, That where any witness shall be examined before the House of Lords or any committee of the said house, such witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor a certificate in writing, stating that such witness has, upon his or her examination, made a true and faithful disclosure touching all acts and matters to which he or she has been so examined, which said certificates the Lord Chancellor is hereby authorized to give; and if any action, information, or indictment shall at any time be pending in any court for bribery at any former election for the borough of *Stafford* against any person or persons who shall have been so examined as a witness or witnesses in manner above mentioned, such Court shall, on the production and proof of such certificate or certificates, stay the proceedings in any such action, indictment, or information, and may in its discretion award to any such person or persons such costs as he, she, or they may have been put to by such action, information, or indictment.

CAP. XI.

AN ACT for the Registration of Aliens, and to repeal an Act passed in the Seventh Year of the Reign of His late Majesty for that Purpose.

(19th May 1836.)

ABSTRACT OF THE ENACTMENTS.

1. 7 Geo. 4. c. 54. repealed.
2. Masters of vessels arriving from foreign parts to declare what aliens are on board or have landed from their vessels.—Penalty for omission of declaration.—Not to extend to foreign mariners navigating the vessel.

3. *Alien on arrival from abroad to declare his name, description, &c. and produce his passport.*
4. *Officer of Customs to register the declaration, and deliver a certificate to the alien.*
5. *Officer of Customs to transmit declaration, &c. to Secretary of State.*
6. *Certificate of alien departing the realm to be transmitted to Secretary of State.*
7. *New certificates to be issued in lieu of such as are lost.*
8. *Certificate to be granted without fee.—Penalty.*
9. *Penalty for forging certificates, &c.*
10. *Prosecution of offences.*
11. *Not to affect foreign ministers or their servants; nor aliens who have been resident three years, and obtained certificate thereof; nor aliens under fourteen years of age.*
12. *Commencement of Act.*
13. *Act may be altered this session.*

By this Act,

After reciting that it is expedient that 7 Geo. 4. c. 54. should be repealed—

It is Enacted,

- i. That the said Act be repealed.

II. That the master of every vessel which after the commencement of this Act shall arrive in this realm from foreign parts shall immediately on his arrival declare in writing to the chief officer of the Customs at the port of arrival whether there is, to the best of his knowledge, any alien on board his vessel, and whether any alien hath, to his knowledge, landed therefrom at any place within this realm, and shall in his said declaration specify the number of aliens (if any) on board his vessel, or who have, to his knowledge, landed therefrom, and their names, rank, occupation, and description, as far as he shall be informed thereof; and if the master of any such vessel shall refuse or neglect to make such declaration, or shall wilfully make a false declaration, he shall for every such offence forfeit the sum of 20*l.*, and the further sum of 10*l.* for each alien who shall have been on board at the time of the arrival of such vessel, or who shall have, to his knowledge, landed therefrom within this realm, whom such master shall wilfully have refused or neglected to declare; and in case such master shall neglect or refuse forthwith to pay such penalty, it shall be lawful for any officer of the Customs, and he is hereby required, to detain such vessel until the same shall be paid: Provided always, that nothing hereinbefore contained shall extend to any mariner actually employed in the navigation of such vessel during the time that such mariner shall remain so actually employed.

III. That every alien who shall after the commencement of this Act arrive in any part of the United Kingdom from foreign parts shall immediately after such arrival present and shew to the chief officer of the Customs at the port of debarkation, for his inspection, any passport which may be in his or her possession, and declare in writing to such chief officer, or verbally make to him a declaration, to be by him reduced into writing, of the day and place of his or her landing, and of his or her name, and shall also declare to what country he or she belongs and is subject, and the country and place from whence he or she shall have come; which declaration shall be made in or reduced into such form as shall be approved by one of His Majesty's principal Secretaries of State; and if any such alien coming into this realm shall neglect or refuse to present and shew any passport which may be in his or her possession, or if he or she shall neglect or refuse to make such declaration, he or she shall forfeit the sum of 2*l.*

IV. That the officer of the Customs to whom such passport shall be shown and declaration made shall immediately register such declaration in a book to be kept by him for that purpose (in which book certificates shall be printed in blank, and counterparts thereof, in such form as shall be approved by one of His Majesty's principal Secretaries of State), and shall insert therein the several particulars by this Act required in proper columns, in both parts thereof, and shall deliver one part thereof to the alien who shall have made such declaration.

V. That the chief officer of the Customs in every port shall within two days transmit a true copy of the declaration of every master of a vessel, and a true copy of every such certificate, if in Great Britain, to one of His Majesty's principal Secretaries of State, and if such alien shall have arrived from any foreign country in Ireland he shall transmit a true copy of such declaration and of such certificate to the chief Secretary for Ireland.

VI. That any alien about to depart from this realm shall before his or her embarkation deliver any certificate which he or she shall have received under the provisions of this Act to the chief officer of the Customs at the port of departure, who shall insert therein that such alien hath departed this realm, and shall forthwith transmit the same to one of His Majesty's principal Secretaries of State, or to the chief Secretary for Ireland, as the case may be, in like manner as hereinbefore is directed in respect to the certificate given to an alien on his or her arrival in this realm.

VII. That if any certificate issued to any alien by virtue of this Act shall be lost, mislaid, or destroyed, and such alien shall produce to one of His Majesty's Justices of the Peace proof thereof, and shall make it appear to the satisfaction of such Justice that he or she hath duly conformed with this Act, it shall be lawful for such Justice and he is hereby required to testify the same under his hand, and such alien shall thereupon be entitled to receive from one of His Majesty's principal Secretaries of State, or from the chief Secretary for Ireland, as the case may be, a fresh certificate, which shall be of the like force and effect as the certificate so lost, mislaid, or destroyed.

VIII. That all certificates hereinbefore required to be given shall be given without fee or reward whatsoever; and every person who shall take any fee or reward of any alien or other person, for any certificate, or any other matter or thing done under this Act, shall forfeit for every such offence the sum of 20*l.*, and every officer of the Customs who shall refuse or neglect to make such entry as aforesaid, or grant any certificate thereon, in pursuance of the provisions of this Act, or shall knowingly make or false entry, or neglect to transmit the copy thereof, or to transmit any declaration of the master of a vessel, or any declaration of departure, in manner directed by this Act, shall forfeit for every such offence the sum of 20*l.*

IX. That if any person shall wilfully make or transmit any false declaration, or shall wilfully forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, or shall utter, knowing the same to be forged, counterfeited, or altered, any declaration or certificate hereby directed, or shall obtain any such certificate under any other name or description than the true name and description of the alien intended to be named and described, without disclosing to the person granting such certificate the true name and description of such alien, or shall falsely pretend to be the person intended to be named and described in any such certificate, every person so offending shall, upon conviction thereof before two Justices, either forfeit any sum not exceeding 100*l.*, or be imprisoned for any time not exceeding three calendar months, at the discretion of such Justices.

X. That all offences against this Act shall be prosecuted within six calendar months after the offence committed; and all such offences shall be prosecuted before two or more Justices of the Peace of the place where the offence shall be committed, who are required, in default of payment of any pecuniary penalty, to commit the offender to the common gaol for any time not exceeding one calendar month, unless the penalty shall be sooner paid, where such penalty shall not exceed the sum of 20*l.*, and forthwith to report to one of His Majesty's principal Secretaries of State, or to Chief Secretary for Ireland, as the case may require, the conviction of every offender under this Act, and the punishment to which he is adjudged; and no writ of certiorari or of adlocution or suspension shall be allowed to remove the proceedings of any Justices touching the cases aforesaid, or to supersede or suspend execution or other proceeding thereupon.

XI. Provided, That nothing in this Act contained shall affect any foreign ambassador or other public minister duly authorized, nor any domestic servant of any such foreign ambassador or public minister, registered as such according to law, or being actually attendant upon such ambassador or minister; nor any alien who shall have been continually residing within this realm for three years next before the passing of this Act, or who shall hereafter at any time complete such residence of three years, and who shall have obtained from one of His Majesty's principal Secretaries of State, or from the chief Secretary for Ireland, a certificate thereof; nor any alien, in respect of any act done or omitted to be done, who shall be under the age of fourteen years at the time when such act was so done or omitted to be done: Provided always, that if any question shall arise whether any person alleged to be an alien, and to be subject to the provisions of this Act, is an alien or not, or is or is not subject to the said provisions or any of them, the proof that such person is, or by law is to be deemed to be, a natural-born subject of His Majesty, or a denizen of this kingdom, or a naturalized subject, or that such person, if an alien, is not subject to the provisions of this Act or any of them, by reason of any exception contained in this Act or otherwise, shall lie on the person so alleged to be an alien and to be subject to the provisions of this Act.

XII. That this Act shall commence and take effect from and after the 1st of July in the present year.

XIII. That this Act may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

CAP. XII.

AN ACT for amending an Act of the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled, *An Act for the better Regulation of Divisions in the several Counties of England and Wales.*

(20th May 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Justices at Quarter Sessions may alter divisions after three years from the constituting thereof.
2. New divisions may be constituted if five Justices are resident or acting therein.
3. Forms, &c. to be similar to those in 9 Geo. 4. c. 43.
4. Reservation of right of appeal.
5. Proceedings not to be quashed for want of form.
6. Not to extend to Middlesex, Scotland, or Ireland.

By this Act,

After reciting that by 9 Geo. 4. c. 43, intituled, 'An Act for the better Regulation of Divisions in the several Counties of England and Wales,' it is amongst other things enacted, that such divisions, when severally constituted in the manner directed by the said Act, shall be subject to no alteration or revision for the several terms of 21 and 10 years respectively, and until further order of Sessions after the expiration of such terms of 21 years and 10 years respectively: And that it may be expedient that such divisions should have the same limits as unions of parishes formed under the Act, 4 & 5 Will. 4. c. 76, intituled, 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales;' and for this and other reasons it may be expedient to alter such divisions within shorter periods of time than are now fixed by the herein recited Act:—

It is Enacted,

1. That it shall be lawful for the Justices of the Peace for any county, riding, or division having a separate Commission of the Peace, in any Court of Quarter Sessions, to alter and revise such divisions in the manner and according to the forms required by the said herein recited Act, on the expiration of three years from the constituting thereof, anything in such Act contained to the contrary notwithstanding.

II. That it shall be lawful for the Justices as aforesaid at such Quarter Sessions to make any order constituting any new division, upon due proof before them made in open court on oath, that at the time of making the same there are at the least five Justices of the Peace residing or usually acting within the boundary line proposed to be the limit of any such new division, but not otherwise.

III. That all matters and things by the said herein recited Act required to be done by and with regard to the Clerk of the Peace, shall be done by and with regard to that officer with respect to the new divisions to be formed by virtue of this Act.

IV. Provided, That every such order shall be made subject to such power of petitioning against the same as is given by the said herein recited Act with respect to any order made by virtue thereof.

V. That no order to be made nor any proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for want of form, or be removed by certiorari, or any other writ or process whatever, into any of His Majesty's courts of record at Westminster; any law or statute to the contrary notwithstanding.

VI. That nothing in this Act contained shall extend or be construed or taken to extend to the county of Middlesex in England, or to Scotland or Ireland.

CAP. XIII.—(IRELAND.)

AN ACT to consolidate the Laws relating to the Constabulary Force in *Ireland*.

(20th May 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of part of 54 Geo. 3. c. 131; 55 Geo. 3. c. 13; part of 55 Geo. 3. c. 158; 57 Geo. 3. c. 22; part of 59 Geo. 3. c. 92; 3 Geo. 4. c. 103; 5 Geo. 4. c. 28; and 9 Geo. 4. c. 63.*
2. *Existing magistrates, inspectors, constables, &c. to continue until it is notified in the Dublin Gazette that a Constabulary Force is fully organized according to this Act;—upon such notification their appointments to cease, and the houses, furniture, horses, arms, &c. to be transferred to the new Force.*
3. *Constables to hold the same offices under this Act as formerly, until otherwise directed.*
4. *And to take the oath herein mentioned, or, in default, to cease to act.*
5. *Power to the Lord Lieutenant to appoint an Inspector General and one or two Deputy Inspectors.*
6. *Power to Lord Lieutenant to make rules.*
7. *Power to Lord Lieutenant to appoint County Inspectors.*
8. *Power to Lord Lieutenant to appoint paymasters, storekeepers, and clerks.*
9. *Power to Lord Lieutenant to appoint Sub-Inspectors.*
10. *Power to Lord Lieutenant to remove Inspectors General, &c.*
11. *Lord Lieutenant may appoint chief and other constables, not exceeding the numbers herein mentioned.—This Act not to prevent the appointment, &c. of additional constables in places already declared to be in a disturbed state.*
12. *Power to Lord Lieutenant to appoint an additional number of constables on certification by Magistrates of the necessity thereof.*
13. *Power to Lord Lieutenant to appoint additional constables for any part of Ireland declared by proclamation to be in a disturbed state.*
14. *Qualifications and disqualifications for constables.*
15. *Constables to attend Magistrates, and execute their warrants.*
16. *Constables to execute all processes to them directed.*
17. *Persons appointed under this Act to take an oath previous to acting.—Form of oath.*
18. *Inspector General, &c. appointed under this Act, not to sit in Parliament; nor persons belonging to the Constabulary Force to vote at elections.*
19. *Penalty not exceeding 5l. may be imposed on chief and other constables for violation of duty.*
20. *Constables dismissed to lose their powers, and deliver up the arms, &c.*
21. *Constables not to resign without leave.*
22. *County Inspectors, &c. to be exempt from tolls.*
23. *County Inspectors, &c. not to be liable to serve as churchwardens, jurors, &c.*
24. *Oaths may be administered on police inquiries.*
25. *Penalty on unlawful possession of arms, &c. supplied to Constabulary, and on assuming the dress, name, &c. of constables, &c. 10l. or two months imprisonment and hard labour.*
26. *As to the stamp duty on appointments of persons holding situations under former Acts.*
27. *Inspectors, &c. may be ordered to other counties;—*
28. *Their expenses to be defrayed by the county to which they are removed.*
29. *Power to Lord Lieutenant to fix salaries of Inspectors, &c.*
30. *Employments under this Act not to prevent the holders from receiving half pay.*
31. *Power to Lord Lieutenant to appoint resident Magistrates by warrant under hand and seal.*
32. *Warrant to contain grounds of appointment, and Magistrates' names to be published.*
33. *Magistrates not to hold any other office.*
34. *Salary of such Magistrates.*
35. *Expenses of constables to be advanced out of the Consolidated Fund.*
36. *One moiety of such advances to be repaid by the county.*

37. *Inspector General to ascertain the sums chargeable to each county, and certify the same to the Grand Jury.*
38. *Receiver to be appointed.—Monies to be lodged in the Bank of Ireland.*
39. *Monies to be accounted for, and accounts to be examined by the Commissioners of Public Accounts.*
40. *Receiver to make contracts, and all the property acquired under this Act to be vested in him.*
41. *Upon the death or removal of Receiver, the balance of cash at the Bank shall be transferred to his successor.*
42. *Upon removal of Receiver, his successor may sue for any balance remaining in his hands.—Mode of proceeding.—Special Bail.—Court may refer the accounts to an officer or arbitrator.*
43. *Mode of proceeding against the representatives of a deceased Receiver.—Proof of Receiver's official character.*
44. *Reputation to be evidence of appointments.*
45. *This Act not to extend to high constables, parish or leet constables.*
46. *Superannuation Fund to be provided.*
47. *Lord Lieutenant empowered to superannuate Inspector, &c., and Grand Jury shall present yearly allowances accordingly.*
48. *Condition and proportions of allowances to constables superannuated.—Allowances in case of wounds, &c.*
49. *Fines on constables and penalties payable to the Police to form a fund to be called the "Police Reward Fund."*
50. *For protection of constables in executing warrants.*
51. *Each paymaster to keep accounts of receipts and payments, to be submitted half-yearly to the special road sessions;—to be transmitted to Inspector General.*
52. *Sub-Inspectors to transmit to Inspector General, and to the Secretary of the Grand Jury, monthly returns of the disposition and number of the Constabulary Force.*
53. *The certificate of charge to be prepared by the Inspector General upon the monthly returns.*
54. *Certain charges not to be included in the certificate.*
55. *What to be deemed the county of Dublin.*
56. *Grant of houses or lands for the use of the Constabulary.*
57. *Statement of amount of Constabulary Force to be laid annually before Parliament.*
58. *Act may be altered this session.*

By this ACT,

After reciting that it is expedient to consolidate and amend the Acts for the appointment of constables and of Magistrates in Ireland in certain cases;—

It is Enacted,

i. That from and after the passing of this Act the following Acts and parts of Acts, (that is to say,) the Act, 54 Geo. 3. c. 131, except so far as the said Act enables the Lord Lieutenant to change the districts for holding civil bill courts in counties; an Act, 55 Geo. 3. c. 13, to amend the said Act; and another Act, 55 Geo. 3. c. 158, except so much of the said last-mentioned Act as relates to the expenses of removing transported felons, and of the conveying persons charged with treason or felony to gaol; the Act, 57 Geo. 3. c. 22; so much of 59 Geo. 3. c. 92. as enables Justices to impose fines upon constables; the Acts, 3 Geo. 4. c. 103, 5 Geo. 4. c. 28, and 9 Geo. 4. c. 63, shall be and the same are hereby repealed, save so far as the said Acts or any of them repeal any other Act, and save so far as herein to the contrary provided, and also save with respect to the superannuation allowances granted at any time before the passing of this Act to any chief or other constables appointed under the said Acts or any of them, and save and except as to any act, matter, or thing which may have been previously done in the exercise of the powers, duties, authorities, and functions given by the said Acts or any of them; every which act, matter, and thing shall be and remain valid and effectual to all intents and purposes as if this Act had not passed.

ii. Provided, That the Magistrates, Inspectors, Superintendents, clerks, chief and other constables, sub-constables, officers, and other persons heretofore appointed, or acting under the said hereinbefore recited Acts or any of them, in any county, county of a city, or county of a town, barony, or other district, shall and they are hereby respectively authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute their several duties and offices, with the like powers, privileges, and authorities, and subject to the like obligations, restrictions, liabilities, directions, and regulations, as heretofore, until it shall be notified, by a notice to be inserted in the *Dublin Gazette* by the Inspector General to be appointed under this Act, that the Constabulary Force for such county, county of a city, or county of a town is fully organized according to the provisions of this Act; and upon such notification the appointments and offices of all such Magistrates, Inspectors, and Superintendents, clerks, chief and other constables, sub-constables, and officers, and other persons, within each such county and place respectively, shall become and be void, and they shall severally discontinue acting under the said recited Acts; and all the houses, outhouses, appurtenances, furniture, horses, arms, accoutrements, saddles, bridles, clothing, books, papers, and appointments, articles and things whatever, rented, held, or provided for their use respectively under the said recited Acts or any of them, shall be applied, transferred, employed, and converted to the use and accommodation of the Constabulary Force so organized, and the right, property, and interest therein shall immediately upon such notification vest in the Receiver for the Constabulary Force of Ireland to be appointed under this Act.

iii. Provided, that all chief and other constables and sub-constables who shall so discontinue acting under the said recited Acts shall thenceforward severally act under this Act in the several offices held by them respectively under the said recited Acts, without any further or other appointment thereto, until the Lord Lieutenant or other Chief Governor or Governors of Ireland shall otherwise direct.

iv. Provided, That every such chief and other constable and sub-constable appointed under the said recited Acts, and continuing to act under this Act as aforesaid, shall, within one month from the making of the notification aforesaid, take and subscribe the oath hereinafter mentioned in manner hereinafter mentioned, and shall obtain and forward such certificate thereof as is hereinafter required, or in default of his or their so doing the person or persons who shall so make default shall at the expiration of the said period of one month cease to hold his or their offices.

v. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hands, to nominate and appoint one fit and proper person to be Inspector General of Police throughout Ireland, who shall reside in Dublin, and shall be charged and invested with the general direction and superintendence of the Force to be established under this Act, and to appoint from time to time, when and as he or they may think necessary, one or two fit and proper persons to be deputies to the said Inspector General, and to appoint any fit and proper persons to be clerks in the office of such Inspector General; and every such Inspector General and Deputy Inspector General shall, on his appointment to such office, forthwith take before any two Magistrates the oaths by law required to be taken by Justices of the Peace in Ireland, and also the oath hereinafter contained, and shall thereupon be and become, without further qualification or appointment, and continue so long as he shall hold the said office, but no longer, a Justice of the Peace for every county, county of a city, county of a town, and town and liberties in Ireland.

And in order to provide for one uniform system of rules and regulations throughout the whole establishment of police in Ireland,—

It is Enacted,

vi. That it shall and may be lawful for such Inspector General, with the approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland, from time to time to frame (subject to such regulations as the Lord High Treasurer or Lords Commissioners of the Treasury, or any three or more of them, may from time to time establish in respect of the particular fiscal duties to be discharged by the Receiver and Paymasters to be appointed under this Act) rules, orders, and regulations for the general government of the several persons to be appointed under this Act, as well with respect to the places of their residence, their classification, rank, and particular services, their distribution and inspection, as to the description of the arms, accoutrements, and other necessities to be furnished to them, and which of them shall be supplied with horses, and all such other rules, orders, and regulations relative to the said Police Force as may be necessary for the purpose of preventing neglect or abuse, and for rendering the said Force efficient for the discharge of the several duties thereof.

vii. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland in like manner from time to time to appoint four persons to be County Inspectors of Police; and each such County Inspector shall be charged and invested with the general government, direction, and superintendence of the Police Force to be established within such number of counties as the Lord Lieutenant or other Chief Governor or Governors of Ireland may direct, and within any and every county of a city, county of a town, and town and liberties locally situate within such counties (except the county of the city of Dublin); and each such County Inspector shall, on his appointment to such office, forthwith take the oaths by law required, in such manner as by law prescribed to be taken by Justices of the Peace in Ireland, and the oath hereinafter provided, and shall thereupon be and become, without further qualification or appointment, a Justice of the Peace in and for the counties, and in and for each county, county of a city, and county of a town, town and liberties, adjoining to or locally situate within the counties for which he shall be appointed Inspector, so long as he shall hold the said office, but no longer.

viii. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hand or hands, to nominate and appoint eighteen persons to be paymasters, storekeepers, and clerks; and every such paymaster shall, before entering upon the duties of his office, give security to His Majesty in a bond with two sureties in such sum as the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall direct, such bond to be conditional for the faithful accounting and due application of all monies which shall come to his hands, and for the due and faithful execution of all other duties of his office.

ix. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant, in like manner from time to time to nominate and appoint, in and for each of the said counties of Cork, Tipperary, and Galway, any number not exceeding two fit and proper persons to be Sub-Inspectors of Police to act for such districts as may be assigned to them respectively in aid of the County Inspectors, and under and subject to their direction and control, and in like manner to appoint in and for any and every other county one Sub-Inspector to act for such county, and in and for each county of a city and county of a town adjoining to or locally situate within the county for which he shall be so appointed, in aid of and under the like direction and control of the Inspector thereof; and each such Sub-Inspector shall on his appointment forthwith take the oaths hereinafter prescribed, and shall thereupon be and become invested with all such power and authority for the preservation of the peace and the apprehension of offenders as may belong to any chief or other constable appointed under this Act, so long as he shall hold such office, but no longer.

x. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland from time to time, as he or they shall think fit, to remove any Inspector General, Deputy Inspector General, County Inspector, Sub-Inspector, Paymaster, or Clerk who may be appointed under this Act, and upon any vacancy in any of the said offices or appointments by death, removal, disability, or otherwise, to nominate and appoint some other fit and proper person to fill the same.

xi. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint from time to time at his will and pleasure, in and for each county of a city and county of a town, except the said county of the city of Dublin, one chief constable, two head constables, and any such number of constables and sub-constables, not exceeding one hundred, as may be deemed by him or them to be necessary and sufficient for the preservation of the peace therein, and in and for each barony, half barony, or other division of barony in each county at large, one chief constable, two head constables, and any number of constables and sub-constables, not exceeding sixteen, and from time to time, as to him or them shall seem fit, to dismise any such chief or other constable or sub-constable, and upon any vacancy in any of the said offices by death, removal, or otherwise, to appoint some other fit and able person to fill the same; and all such chief and other constables and sub-constables shall have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have, either by the common law or by virtue of any statute now or hereafter to be in force in Ireland: Provided always, that in every case in which the Lord Lieutenant or other Chief Governor or Governors of Ireland has or have before the passing of this Act, by the advice of the Privy Council of Ireland, declared by proclamation

any county, or county of a city, or county of a town, or barony, or half barony, or other division of barony, or any district, to be in a state of disturbance, and has or have thereupon appointed an extraordinary establishment of police for the same, and in every case in which the Magistrates of any county have in manner required by law certified the number of constables appointed for such county, or any barony or half barony or other division of barony, or any district, to be inadequate to the preservation of the peace within the same, and the Lord Lieutenant or other Chief Governor or Governors of Ireland has or have thereupon directed the appointment of the additional number of constables so certified to be necessary, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, without any further or renewed proclamation as aforesaid, and without any further or renewed certificate as aforesaid, to retain and employ in every such county, county of a city, county of a town, barony, half barony, or other division of barony, and district, such number of constables as may be appointed for the same respectively at the time of the passing of this Act, and to reduce such number from time to time as he or they may think fit, in the same manner as he or they might have done if this Act had not been passed.

XII. Provided, That in any case in which seven or more Magistrates of any county at large, at any general or special sessions, held after notice given by the Clerk of the Peace, being a majority of the Magistrates then present, shall certify to the Lord Lieutenant or other Chief Governor or Governors of Ireland, that the number of chief or other constables or sub-constables so appointed for any such county is inadequate to the due execution of the law within the same, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint such further number of chief and other constables and sub-constables for such county as may be so certified to be necessary, and to remove such chief and other constables and sub-constables from time to time.

XIII. That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by the advice of the Privy Council of Ireland, to declare by proclamation that any county, county of a city, or county of a town in Ireland, or any barony or baronies, half barony or half baronies in any county at large, or any district of less extent than any barony or half barony, to be therein specified, is or are in a state of disturbance, and requires or require an additional establishment of police; and thereupon it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint such and so many chief constables, constables, and sub-constables as he or they shall think proper, not exceeding one such chief constable, two head constables, and fifty such constables or sub-constables for any one barony or half barony, or for any county of a city or county of a town or district of less extent than any barony or half barony, which may have been so declared to be in a state of disturbance.

XIV. That no person shall be appointed to be a chief or other constable or sub-constable under this Act unless he shall be of a sound constitution, able-bodied, and under the age of forty years, able to read and write, of a good character for honesty, fidelity, and activity; and that no person shall be appointed to be such chief or other constable or sub-constable who shall be a gamekeeper, wood-ranger, tithe proctor, viewer of tithes, bailiff, sheriff's bailiff, or parish clerk, or who shall be a hired servant in the employment of any person whomsoever, or who shall keep any house for the sale of beer, wine, or spirituous liquors by retail; and that if any person who shall be appointed to be a chief or other constable or sub-constable under this Act shall at any time after such his appointment be or become a gamekeeper, wood-ranger, tithe proctor, viewer of tithes, bailiff, sheriff's bailiff, or parish clerk, or a hired servant, or shall act in any of the said capacities, or shall sell any beer, wine, or spirituous liquors by retail, such person shall be and become disabled from and incapable of acting, and shall forfeit his appointment as constable, and all authority and privilege, and all salary and gratuity payable to him as a chief or other constable or sub-constable under this Act.

XV. That every chief constable, head constable, constable, and sub-constable to be appointed under this Act shall, when not engaged on actual duty, attend on the Justices of the Peace at their several General or Quarter Sessions, and also at their Petty Sessions, which shall be held at the respective places where such chief or other constable or sub-constable may be stationed, and shall obey and execute all the lawful warrants, orders, and commands of such Justices at such sessions in all cases, civil and criminal: Provided always, that no chief or other constable or sub-constable shall be employed under such authority to levy tithes or tithe composition, or to levy rents by distress, or to levy fines or penalties under any Act or Acts relating to the revenue in Ireland, nor to enforce any Acts relating to the laws for the preservation of game or fish, except only in cases where forcible resistance shall have been actually made and proved by information taken on oath.

XVI. That, except as aforesaid, every chief constable, head constable, constable, and sub-constable, appointed under this Act, shall within his jurisdiction execute all processes to him directed for levying the amount of any fine or fines which shall be imposed under any Act in force in Ireland, or for levying the amount of any recognizance forfeited to His Majesty, his heirs and successors, or of any fines imposed on any jurors, witnesses, parties, or persons at any assizes, or commission of oyer and terminer, or gaol delivery, or sessions of the peace; and when any warrant, order, or command of any Magistrate shall be delivered or given to any such head constable or sub-constable, he shall, if the time will permit, shew or deliver the same to the chief constable under whose immediate command such head constable or sub-constable shall then be, and such chief constable shall nominate and appoint by indorsement thereon such one or more of the constables under his orders, and such assistant or assistants to him or them as such chief constable shall think proper, to execute such warrant, order, or command; and every such constable whose name shall be so indorsed, and every such assistant as aforesaid, shall have all and every the same rights, powers, and authorities for and in the execution of every such warrant, order, or command as if the same had been originally directed to him or them expressly by name.

XVII. That no person appointed under this Act to be an Inspector General, Deputy Inspector General, County Inspector, or Sub-Inspector, Receiver, Magistrate, Paymaster, Clerk, Chief or other Constable or Sub-Constable, shall be, except as is hereinafter provided, capable of holding the said office, or of acting in any way therein, until he shall take and subscribe the oath here following: (that is to say,)

'I A. B. do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Inspector General, Deputy Inspector General, County Inspector, or Sub-Inspector, Receiver, Paymaster, Clerk, Magistrate, Chief Constable or Head

'Constable, [or Constable or Sub-Constable, as the Case may be,] without Favour or Affection, Malice or Ill-will; that I will see and cause His Majesty's Peace to be kept and preserved, and that I will prevent to the best of my Power all Offences against the same; and that while I shall continue to hold the said Office I will, to the best of my Skill and Knowledge, discharge all the Duties thereof, in the Execution of Warrants and otherwise, faithfully according to Law; and that I do not now belong, and that I will not, while I shall hold the said Office, join, subscribe, or belong to any political Society whatsoever, or to any secret Society whatsoever, unless to the Society of Freemasons.

'So help me GOD.'

And the said oath shall be administered, either at General or Petty Sessions or otherwise, by any two Magistrates, and shall in all cases be subscribed by the person taking the same; and the said oath shall be administered by any two Magistrates, either in open Sessions or otherwise: and such Magistrates shall forthwith give to the person taking the same a certificate thereof under his hand, such certificate to be forwarded to the chief Secretary of the Lord Lieutenant, or the Under Secretary, or to such person as he may appoint.

XVIII. That no Inspector General, Deputy Inspector General, Receiver, or County Inspector, or Magistrate, appointed by virtue of this Act, shall, during the continuance of such appointment, be capable of being elected or sitting as a member of the House of Commons; and that no Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or person belonging to the said Constabulary Force or appointed by virtue of this Act, shall during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for any county, city, borough, town, or place in Ireland, nor shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member to serve in Parliament for any such county, city, borough, town, or place; and if any such Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or person belonging to the said Constabulary Force, shall offend therein, he shall forfeit the sum of 100*l.*, to be recovered by any person who will sue for the same by action of debt, to be commenced within six calendar months after the commission of the offence: Provided always, that nothing in this enactment contained shall subject any such Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or person belonging to the said Constabulary Force or appointed under this Act, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty.

XIX. That if any chief or other constable or sub-constable shall neglect or refuse to obey and execute any warrant hereby directed to be by him executed, or shall be guilty of any neglect or violation of duty in his office, every such chief or other constable shall forfeit and incur such penalty, not exceeding 5*l.*, as any two or more Justices of the Peace, after examination upon oath of one or more credible witness or witnesses, or upon confession of the party, shall think proper to impose or inflict; and the amount of such penalty shall and may be deducted from and out of any salary accruing due to such offender under this Act, upon a certificate thereof to be by the Justices before whom he may be convicted transmitted to the paymaster of the county: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors to mitigate or remit any such penalty.

XX. That when any chief or other constable or sub-constable shall be dismissed from or shall cease to hold and exercise his office, all powers and authorities vested in him as a constable shall immediately cease and determine to all intents and purposes whatever; and if any constable or sub-constable shall not, within one week after he shall be dismissed from or shall cease to hold and exercise his office, deliver over all and every the arms, ammunition, and accoutrements, horse, saddle, bridle, clothing, and other appointments whatsoever, which may have been supplied to him for the execution of such office, to the paymaster for the county, or to such person and at such time and place as shall be directed by the said paymaster, every person making default herein shall, upon conviction for such offence before any two or more Magistrates upon oath of one or more credible witness or witnesses, or upon his own confession, be subject and liable to imprisonment in the common gaol or house of correction for any such period not exceeding the term of two calendar months, and kept to hard labour, as such Magistrates shall think proper to direct; and it shall be lawful for such Magistrates, and they are hereby authorized and required, to commit every such offender accordingly, and to issue their warrant to search for and seize, to the use of His Majesty, all and every the arms, ammunition, accoutrements, horses, saddles, bridles, clothing, and other appointments whatsoever which shall not be so delivered over, wherever the same shall be found.

XXI. That no head constable, constable, or sub-constable to be appointed under this Act shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly authorized so to do in writing by the County Inspector or Sub-Inspector under whom he may be placed, or unless he shall give to such Inspector one month's notice of his intention so to resign or withdraw; and if any head constable, constable, or sub-constable shall so resign or withdraw himself without such previous permission or notice, he shall for such offence forfeit and pay a penalty not exceeding 10*l.* upon conviction before two Justices of the Peace; and it shall and may be lawful for such Justices, in case such penalty shall not be paid, to commit such person to the common gaol or house of correction for any period not exceeding three calendar months, and kept to hard labour; and all penalties so to be levied shall be paid to the paymaster or one of the paymasters of the county, to be applied and accounted for as hereinafter directed.

XXII. That all County Inspectors, Sub-Inspectors, Chief and other Constables and Sub-Constables, appointed and acting under this Act, being on actual duty, and in proper dress or undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such persons or their prisoners or baggage, or returning therefrom, and not otherwise engaged or employed, shall be exempted from payment of any duties and tolls on passing turnpike roads or bridges, otherwise demandable by virtue of any Act already made or to be made; and any toll collector who shall demand and receive any duty or toll contrary to this Act shall forfeit and pay any sum not exceeding 10*l.* for every such offence, to be recovered by distress and sale of the goods and chattels of such person so offending, on conviction in a summary

way before a Justice of the Peace, the same to be paid to the person from whom such duty or toll shall have been received, and to be applied as any penalties payable to any chief or other constable are directed by this Act to be applied.

XXIII. That no Inspector General, Deputy Inspector, Receiver, Paymaster, County Inspector, Sub-Inspector, Chief or other Constable or Sub-Constable, appointed and acting under this Act, shall be liable to serve the office of churchwarden, pariah overseer, or constable, or to serve as a juror in any case, civil or criminal, or to be chosen or balloted to serve in the Militia, or subject to any fine, penalty, or punishment whatsoever for declining or refusing to serve in any such capacity.

XXIV. That it shall and may be lawful to and for the Inspector General, or Deputy Inspector General to be appointed under this Act, or either of them, or any other person or persons to be nominated for the purpose from time to time by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, to examine on oath into the truth of any charges or complaint preferred against any person to be appointed under this Act, of any neglect or violation of duty in his office, and to report thereon to the Lord Lieutenant or other Chief Governor or Governors of Ireland; and any person who on any such inquiry, or on any other occasion on which an oath may be administered under this Act, shall give false evidence or take a false oath, and be thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to.

XXV. That if any person not appointed and acting under this Act shall have in his or her possession any arms or ammunition, or any article of clothing, accoutrements, or appointments, supplied to any person under this Act, and shall not be able satisfactorily to account for his or her possession thereof, or shall put on or assume the dress, name, designation, or description of any person or persons, or of any class of persons, appointed under this Act, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any other act which such person or persons so putting on or assuming such dress, name, designation, or description would not by law be entitled to do or procure to be done of his or their own authority, every such person so offending shall, in addition to any other punishment to which he or she may be liable for such offence, forfeit and pay for every such offence any sum not exceeding the sum of 10*l.*, to be recovered by distress and sale of the goods and chattels of such offender on summary conviction before two Justices of the Peace, or in default of payment thereof shall be imprisoned for any period not exceeding two calendar months, and kept to hard labour; such penalty to be paid to one of the county paymasters appointed under this Act, and by him paid over to the Receiver, to be applied by him in aid of the Police Reward Fund provided in and by this Act.

XXVI. That no person already appointed and now acting under the said recited Acts or any of them, who shall be appointed to any situation under this Act, shall be liable to pay any new or greater or other stamp duty on such new appointment than would be payable by law on an appointment to a situation of the annual value of the difference, if any, between the annual value of the situation now held by such person and the annual value of such new situation.

XXVII. That it shall and may be lawful for the Inspector General, subject to the direction and control of the said Lord Lieutenant or other Chief Governor or Governors, from time to time, as may be deemed expedient, to order and direct that every or any the Inspectors, Sub-Inspectors, Paymasters, Chief or other Constables, or that the whole or any number of chief or other constables or of sub-constables of any county, barony, half barony, or other division of a barony, county of a city, county of a town, or town and liberties, shall go and repair to such place or places in any other county or counties, or in any county of a city or county of a town, or town and liberties, in Ireland, as shall be mentioned in such order, and shall remain there for such length of time, or remove to or remain at any other place or places in the same or any other county, city, or town for such time and times, and shall return to his or their original county, barony, half barony, and other division of a barony, city, or town at such time and times respectively, as shall be mentioned or directed in or by such order, or by any other order or orders which may from time to time be made by such Inspector General, subject to the like direction and control; and that such Inspectors, Sub-Inspectors, Paymasters, Chief and other Constables, and Sub-Constables, when so removed, shall have the same rights, powers, and authorities, and be subject to the same rules, regulations, and orders, and be in all respects in the same situation in the county or other districts or places to which they shall be so removed, as if they had been originally appointed in and for such county or district.

XXVIII. That where any such order as last aforesaid shall be acted upon, all expenses to be incurred for the purposes of this Act by or on account of any Inspector, Sub-Inspector, Paymaster, Chief Constable or other Constable, or Sub-Constable, shall, during such time as he shall be or remain in any county, or any barony or half barony or other division of a barony, or county of a city, or county of a town, or town and liberties, be defrayed in the same manner in all respects by such county, or barony or half barony or other division of a barony, or county of a city, or county of a town, or town and liberties, in respect of which such expenses shall have been incurred, and to which it shall be by the said Lord Lieutenant or other Chief Governor or Governors declared that such expenses relate, as if he had been originally appointed in and for the same.

XXIX. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to fix and appoint such annual salaries as to him or them may from time to time seem proper, not exceeding the several sums hereinafter specified, to be paid in such manner and subject to such regulations and provisions as he or they may direct, to the several persons appointed under this Act; (that is to say,) to the Inspector General of Police an annual salary not exceeding 1,500*l.*, to each Deputy Inspector an annual salary not exceeding 800*l.*, to the Receiver of the said Constabulary Force an annual salary not exceeding 600*l.*, to each County Inspector an annual salary not exceeding 500*l.*, to each Sub-Inspector an annual salary not exceeding 250*l.*, to each Paymaster an annual salary not exceeding 100*l.*, to each Chief Constable an annual salary not exceeding 150*l.*, to each Head Constable an annual salary not exceeding 70*l.*, to each Constable an annual salary not exceeding 35*l.*, to each Sub-Constable an annual salary not exceeding 25*l.*, and to the Clerks in the office of the Inspector General annual salaries not exceeding in the whole for all such Clerks the sum of 800*l.*; and a rateable proportion of such salaries shall be payable for any portion of a year during which any person entitled thereto may serve or have served; and in case of the dismissal of any such person, and the imposition upon him of any fine or penalty under the provisions of this Act, it shall be lawful to retain and deduct the amount thereof from and out of the salary due or accruing due to such person.

xxx. Provided, That no office or employment under this Act shall prevent the holder thereof from receiving any half-pay to which, if he did not hold such office or employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that persons holding appointments under this Act shall not receive half-pay.

xxxI. That in any case in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of Ireland, by reason of any county or county of a city or county of a town, or town and liberties, being in a state of disturbance, or owing to the absence or non-residence of a Magistrate in any county, county of a city, county of a town, or town and liberties, or in any district of any county, or for any other sufficient cause, to be expedient, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hand and seal, to appoint during his or their pleasure one or more persons for any county, or for any county of a city or county of a town, to be Magistrates for said county, county of a city, county of a town, or town and liberties, or for any part or district of any county, or for any district consisting of any parts of any two or more adjoining counties, or for any one or more barony or baronies in any county, in Ireland, or for any district consisting of any county and of a county of a city or county of a town, town and liberties, or city and county, or any part or parts thereof respectively, and from time to time to dismiss or remove any such Magistrate at his or their will and pleasure; and every Magistrate who shall be so appointed under this Act shall on his appointment forthwith take the oaths by law required, and in such manner as such oaths are by law required to be taken by Justices of the Peace in Ireland, and he shall thereupon to all intents and purposes be and become a Justice of the Peace in and for the county or counties, or city or town, in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every county at large, or county of a city or county of a town, town and liberties, or city and county adjoining to or locally situate within such his proper county, city, or town, and shall have within such adjoining county, city, or town all the authority necessary for the due execution of the provisions of this Act.

xxxII. Provided, That the Lord Lieutenant or other Chief Governor or Governors of Ireland shall, in every such warrant as aforesaid, state specifically the grounds of the appointment of the Magistrate to whom it shall relate, and shall cause the same of every such Magistrate so appointed to be published in the next *Dublin Gazette*.

xxxIII. Provided always, That no person appointed to be a Magistrate with a salary under this Act shall be capable of holding any other office under this Act.

xxxIV. That every such Magistrate while he shall hold such office shall have and receive such salary by the year, not exceeding the sum of 400*l.*, and rateably for any shorter period, as the Lord Lieutenant or other Chief Governor or Governors shall from time to time direct, and also such allowance for forage as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall think fit: Provided always, that if any person now acting as a Magistrate under any of the hereinbefore recited Acts shall be appointed to act as a Magistrate under this Act, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to allow him any annual salary and allowances not exceeding the amount of the salary and allowances enjoyed by such person as such Magistrate under the said Acts or any of them.

xxxV. That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of his Majesty's Treasury, or any three or more of them, for the time being, to order that any such sum or sums as he or they shall think proper shall from time to time be advanced and paid out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, arising in Ireland, for the payment of the several salaries and remunerations and allowances, and the purchase of arms, accoutrements, horses, bridles, saddles, appointments, houses, outhouses, furniture, and accommodations, payable under or proper for the use of the Constabulary Force to be appointed under this Act, and also, for all rents and taxes payable for and in respect of such houses, outhouses, and for repairing all such houses and outhouses from time to time, and for the forage of such horses, and for the expense of the Magistrates, Inspectors, Chief or other Constables, or Sub-Constables, when they shall respectively be absent on duty from their residences under the authority of this Act, and for all other necessary and reasonable costs, charges, and expenses incurred or to be incurred in the execution of this Act; and all money so issued shall be paid to the Receiver of the Constabulary Force of Ireland to be appointed as hereinafter mentioned, with such securities and under such rules and regulations as the said Lord High Treasurer, or the Commissioners of the Treasury or any three or more of them, shall from time to time appoint and direct.

xxxVI. That one moiety of all monies so advanced out of the produce of the Consolidated Fund for all or any the purposes of this Act (except so much of said advances as shall be for the salaries and expenses of the Inspector General, his deputies and clerks, and of all Magistrates to be appointed as aforesaid, and of the Receiver for the said Constabulary Force, and of the Paymasters in the several counties,) shall be raised by Grand Jury presentment off each county, county of a city, or county of a town to which the same shall be declared by the Lord Lieutenant or other Chief Governor or Governors of Ireland to relate, and in or for which such expenses shall be or shall have been incurred.

xxxVII. That the Inspector General to be appointed under this Act shall, with the assistance of the Receiver, in sufficient time before each assizes and presenting term, ascertain the amount of the monies chargeable under the provisions of this Act on each county, county of a city, county of a town, or any part of any county, and shall make out a certificate thereof under his hand, specifying the force or service in respect whereof such charge may have been incurred, and transmit the same, when approved and certified by the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, to the Secretary of the Grand Jury for such county, county of a city and county of a town, one week before said assizes and presenting term, who shall lay the same before the Grand Jury; and thereupon it shall be lawful for such Grand Jury, and they are hereby required, to make a presentment for the amount stated in such certificate or in any previous certificate, the amount whereof shall not have been already presented, to be raised from off the county at large, county of a city, or county of a town, or city and county respectively, in the same manner as any presentment for constables may by law be now raised therefrom; and it shall not be lawful for the Court at any assizes or presenting term to flat any presentment for raising any other money until such presentment for such expenses be first made and allowed; and whenever the amount stated in such certificate shall be levied, the same shall be paid to such Bank or person and in such manner as the Lords of the Treasury, or the Commissioners of the

Treasury, or any three or more of them, shall from time to time think fit to direct and appoint; and thereupon, but not before, as to all sums mentioned in such certificate as aforesaid, such county shall be deemed to be discharged.

XXXVIII. That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any three or more of them, to appoint a person to receive all sums of money applicable to the purposes of this Act, who shall be called "The Receiver for the Constabulary Force of Ireland;" and the said Lord High Treasurer or the said Commissioners, or any three or more of them, may remove any such person if he or they shall see occasion so to do, and may, upon any vacancy in that office by death, removal, or otherwise, appoint another person to be such Receiver; and the Receiver for the time being shall give security to His Majesty in a bond, with two sureties, in such sum as the said Lord High Treasurer or the said Commissioners of the Treasury, or any three or more of them, shall direct, such bond to be conditioned for the faithful performance of his duty by such Receiver, and for the due application of all monies paid to him under this Act; and the Receiver for the time being shall receive all sums of money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately pay all monies, bills, and notes by him received under this Act into the hands of the Governor and Company of the Bank of Ireland, and the same shall be placed to an account in the books of the said Governor and Company, which shall be intitled "The Account of the Public Monies of the Receiver for the Constabulary Force in Ireland," and such Receiver shall draw out of the said Bank from time to time such sums of money as may be necessary for the payment of the salaries and allowances payable under this Act, and of all other charges and expenses attendant upon the execution of the same, and shall from time to time transmit to the Paymasters of the several counties the monies required to defray all such salaries, charges, and expenses within such counties respectively: Provided always, that the said Receiver and the said Paymaster shall be governed, in respect to all their pecuniary transactions, whether of receipt or payment, and in respect of the periods in which and for which they shall severally and respectively deliver their accounts of such receipts and payments, accompanied by the proper and necessary vouchers in support thereof, and as to the manner in which such accounts shall be kept and prepared and exhibited for audit, by such rules and regulations as shall be issued in that respect from time to time by the Lord High Treasurer or the Commissioners of the Treasury, or any three or more of them; and every draft or order for money on the Bank of Ireland, drawn by the Receiver, shall be countersigned by the Inspector General or by one of his deputies; and all drafts and orders so drawn and countersigned, but not otherwise, shall be a sufficient authority to the Bank to pay the amount thereof to the persons named therein or to the bearers of them.

XXXIX. That the said Receiver and the said Paymaster shall be and be deemed to be public accountants, and shall be subject to the regulations and penalties in force in respect to public accountants; and that their accounts shall be submitted to and examined by the Commissioners for auditing the Public Accounts, or by such person or persons as the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any three or more of them, shall direct.

XL. That the said Receiver for the time being shall make all such contracts as shall be necessary for purchasing or renting any lands or buildings, or for erecting, fitting up, furnishing, or repairing any buildings for the purposes of this Act, in such manner as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall direct; and the right, title, property, and interest to and in all lands and buildings, and in and to the fixtures and furniture thereof, and in and to all goods and chattels whatsoever to be from time to time held, rented, or purchased for the purposes of this Act, shall be vested in the said Receiver for the time being, in whom shall be vested the property in and to all arms, accoutrements, horses, saddles, bridles, and other necessities to be at any time furnished to the said Constabulary Force; and the said Receiver for the time being may sell, assign, or dispose of the whole or any part of any such property as aforesaid, and as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall from time to time direct, and the monies arising from such sale or disposition shall be carried to and make part of the funds arising to the credit of the account of the said Receiver at the Bank of Ireland: Provided always, that it shall be lawful for the said Lord High Treasurer or Lords Commissioners, or any three or more of them, from time to time to establish such regulations as he or they may think proper in respect of all contracts to be entered into, or purchases or payments made, for or on account of the said Constabulary Force; which several rules and regulations shall be certified by the said Commissioners of the Treasury to the said Receiver and to the several and respective Paymasters of the several counties, and shall be of full force and authority, and shall be observed by all persons whatsoever in relation to all matters and things therein contained.

XLI. That upon the death, resignation, or removal of any Receiver appointed under this Act the balance of cash for which he shall at that time have credit on his account as Receiver with the Governor and Company of the Bank of Ireland, or on the Superannuation Fund or Reward Fund account, and all stock, bills, notes, government or other securities for money, which he may at such time have in that character, shall, as soon as a successor shall be appointed to the office of Receiver, actually vest in such successor, and shall be immediately transferred to the account of such successor, to be applied for the purposes of this Act; and the Receiver for the time being is hereby required to issue his drafts or orders, countersigned by the said Inspector General or Deputy Inspector, for all unsatisfied charges and demands payable out of the monies in the Bank, although the same shall have accrued in the time of any former Receiver.

XLII. That if any person, having resigned or having been removed from the office of Receiver, shall neglect, within twenty-one days after notice for such purpose, to account for and pay to any succeeding Receiver all such sums of money as shall remain in his hands applicable to the purposes of this Act, it shall be lawful for the Receiver for the time being, in his own proper name only, or by name and description of office, to sue for and recover the same from such person with double costs of suit, in any of His Majesty's courts of record at Dublin, by action of debt; in which action it shall be sufficient for such Receiver to declare as for money had and received to the use of such Receiver for the purposes of this Act; and the defendant in the action may, at the discretion of any Judge of such court, be held to special bail in such competent sum as the Judge shall order; and the Court in which the action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the court, or other fit person, who may examine both plaintiff and defendant upon oath (which oath the said referee shall have power to administer), and upon the report of such referee, unless either of the parties shall shew good cause to the contrary, the Court may make a rule, either for the payment of such

sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the Court shall appear reasonable, or the Court may order judgment to be entered up by confession for such sum as upon the report shall appear to be due.

XLIII. That in case of the death of any person during the time that he shall be holding the office of Receiver, or after he shall have resigned or been removed from such office, the Receiver for the time being may, in his own proper name only, or by his name and description of office, sue for and recover from the executors or administrators of such persons deceased all such sums of money as shall have been remaining in his hands, applicable to the purposes of this Act, in any of His Majesty's courts of record at Dublin; in which action it shall be sufficient for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for the purposes of this Act, or that the deceased died possessed of money had and received for the purposes of this Act, whereby an action hath accrued to the plaintiff to demand and have the same from such executors or administrators; and the like action may be brought against any executors or administrators of executors or administrators; and in all such actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in defence, as in any action founded upon simple contracts of the original testator or intestate; and the Court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such referee in like manner as hereinbefore mentioned; and in all actions to be brought, as well as in all proceedings whatsoever to be instituted or carried on by any Receiver by virtue of this Act, proof of his acting in the execution of the office of Receiver shall be sufficient evidence of his holding such office, unless the contrary shall be shewn in evidence by the defendants in such actions, or the parties against whom such proceedings shall be instituted or carried on.

XLIV. That if any question shall arise as to the right of any Magistrate, or of any Inspector, Sub-Inspector, Chief Constable or Head Constable, or Sub-Constable, to hold or execute any such office respectively, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right; and it shall not be necessary to produce any appointment, or any oath, affidavit, or other document or matter whatsoever, in proof of such right.

XLV. Provided, That nothing in this Act contained shall extend or in anywise be deemed or construed to extend, to repeal, affect, or take away the election or appointment of high constables by Grand Juries for the purpose of collecting the same presented by such Grand Juries, or of parish constables or constables of any leet, in Ireland, or of petty constables of baronies or districts, by Grand Juries or by Magistrates at sessions, or to take away or diminish or infringe the powers or authorities of any such constables in any respect whatever; but no such constable shall be deemed to belong to the said Constabulary Force, nor as such be entitled to any payment or salary under this Act.

XLVI. That there shall be deducted from the pay and salary of the several persons appointed under this Act, except the Receiver and Paymasters, the sum of 2l. per centum per annum, and so rateably from any pay or salary of whatever amount; which sum so deducted shall from time to time be invested in government stock by and in the name of such Receiver, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter next mentioned, shall be likewise invested in such stock, and accumulate so as to form a fund to be called "The Police Superannuation Fund," and to be applied from time to time as occasion may require for the payment of such superannuation or retiring allowances or gratuities as may be at any time from the passing of this Act ordered or appointed from time to time by the Lord Lieutenant or other Chief Governor or Governors of Ireland, under the powers hereinafter given to him, to be charged on the said fund or payable thereout; and in case the fund so accumulated shall be inadequate to pay such superannuations or retiring allowances, one half of such deficiency shall be made up by presentment of the Grand Juries of the respective counties, counties of cities, and counties of towns, in such proportions as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall from time to time direct and appoint, and the other half thereof shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland arising in Ireland: Provided always, that in the case of any yearly allowance, remuneration, or superannuation granted under the said recited Acts, and directed to be presented by the Grand Jury of any county, the same shall be wholly payable and presented by the Grand Jury of such county as heretofore.

XLVII. That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, in his or their discretion, upon the petition of any Magistrate, Superintendent, Inspector General, Deputy Inspector General, County Inspector, Sub-Inspector, Chief or other Constable, or Sub-Constable, who shall have been appointed under this Act, or who may have been appointed and acted under said recited Acts or any of them, and, in the case of any chief constable, upon such recommendations and certificates as such Lord Lieutenant or other Chief Governor or Governors shall require and direct, to order and direct that any such Magistrate, Inspector, Deputy Inspector, County Inspector, Sub-Inspector, Chief Constable or other Constable, or Sub-Constable, shall and may be superannuated, and shall and may receive such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions, and not exceeding such proportions as to age, length of service, and other circumstances, as hereinafter mentioned and provided for, and thereupon such person shall cease to hold such office; and when such person shall have served in more than one county it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by warrant under his or their hand, to apportion on each county in which he may have served such portion of the superannuation allowance as he may think should be borne by such county; and the yearly sum to which any such Magistrate, County Inspector, Sub-Inspector, Chief or other Constable, or Sub-Constable, shall become so entitled, or the portion thereof apportioned as aforesaid, shall be presented by the Grand Jury of the county on which it shall be chargeable in two equal sums, one at each assize or presenting term, during his life, on proof to the Grand Jury from time to time that the person so entitled to such superannuation is living, unless such yearly allowance, superannuation, or remuneration shall be by such Lord Lieutenant directed to be chargeable on the Police Superannuation Fund hereinbefore provided, which such Lord Lieutenant or other Chief Governor or Governors is and are hereby authorized and empowered to do: Provided nevertheless, that unless such Superannuation Fund shall be adequate to discharge such allowance, superannuation, or remuneration, together with the several allowances, remunerations, or superannuations previously charged upon and made payable thereout, it shall not be lawful for the said Lord Lieutenant to grant any such allowance, remuneration, or superannuation, so chargeable upon the said Superannuation Fund, without the consent of the said Lord High Treasurer or Lords Commissioners of the Treasury, or any three or more of them.

XLVIII. Provided, That the conditions and proportions of such allowance, remuneration, or superannuation shall be as follows; (that is to say,) where any person applying for the same shall be under sixty years of age it shall not be lawful to grant any such allowance, compensation, remuneration, or superannuation, unless as hereinafter provided, or upon certificate from such persons as may be appointed by the Lord Lieutenant or other Chief Governor or Governors for the medical inspection of persons appointed under this Act or any of the said recited Acts, that such person is incapable, from infirmity of mind or body, to discharge the duties of his office, in which case, if he shall have served with diligence and fidelity for fifteen years, it shall and may be lawful to grant to him by way of superannuation an annual sum not exceeding one-half of the salary of his office; if above fifteen years and less than twenty, any sum not exceeding two-thirds of such salary; if above twenty years, any such sum not exceeding the whole of such salary; and if such person shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall and may be lawful, although there shall be no certificate of incapacity from infirmity or injury of body or mind, to grant him by way of superannuation any annual sum not exceeding two-thirds of the salary of his office; if sixty-five years of age or upwards, and he shall have served forty years or upwards, any sum not exceeding three-fourths of such salary; if sixty-five years of age or upwards, and he shall have served fifty years or upwards, any such sum not exceeding the whole of such salary: Provided always, that if any such person shall be disabled by any wound or injury received in the actual execution of the duty of his office, it shall any may be lawful to grant to him such yearly allowance or remuneration as may, in the opinion of the Lord Lieutenant or other Chief Governor or Governors of Ireland, be proportioned to the nature of the injury received, without reference to the length of his service, provided that such allowance or remuneration shall in no case exceed the whole of such salary, and that in calculating the period for which any such person has served, the time he may have served under any of such recited Acts shall be reckoned: Provided also, that every such yearly superannuation allowance may, at the time of its being granted, or at any time afterwards, be commuted for a gratuity, payable immediately, at such rate as the Lord Lieutenant or the Chief Governor or Governors of Ireland for the time being may approve of.

XLIX. That all fines imposed on any chief or other constable under this Act, and all penalties or proportions of penalties and damages awarded to any chief or other constable or other person appointed under this Act by any Justice or Justices of the Peace, on any summary conviction, as the prosecutor of any information or otherwise, shall be paid to the Paymaster of each county, county of a city, or county of a town, in which such fine shall be imposed or such conviction shall be had, and shall be by such Paymaster paid to the said Receiver to be appointed under this Act in such manner as the said Lords Commissioners of the Treasury shall from time to time direct, so as that the same may form a fund to be called the "Police Reward Fund," to be invested in government stock by and in the name of such Receiver for the time being, and accumulate for the payment of such rewards, gratuities, bounties, pensions, or other allowances as the Lord Lieutenant or other Chief Governor or Governors of Ireland may from time to time award or direct to be paid to any person or persons appointed under this Act, or to the widows and families of any such person on his death; and that it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland to direct, if he or they shall think fit, that any proportion not exceeding 10s. in the year for every 100*l.* of the salary of every person appointed under this Act, and so in proportion for any salary less than 100*l.*, shall, in addition to the deduction hereinbefore mentioned of 2*l.* per centum per annum towards the formation of the said Superannuation Fund, be deducted yearly from such salaries, and added to the said Reward Fund, and form part thereof.

L. Provided, That when any action shall be brought against any constable for any act done in obedience to the warrant of any Magistrate, such constable shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the Magistrate issuing the same, and such constable may plead the general issue and give such warrant in evidence; and upon producing such warrant, and proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto, and that such person is reputed to be and acts as a Magistrate of such county or district (as the case may be), and that the act or acts complained of were done in obedience to such warrant, the jury who shall try the said issue shall find a verdict for such constable, and such constable shall recover his costs of suit.

LI. That each Paymaster appointed under this Act shall keep accounts of all sums received and of all payments and disbursements made on account of the Constabulary Force in each county or district for which he shall act; and that such accounts shall be made up on the first day of every month, and transmitted to the said Receiver; and a copy of each such monthly account shall on the same day be transmitted to the Secretary of the Grand Jury of the county, county of a city, or county of a town to which the same shall relate, and be by him laid before the Magistrates at the special road sessions next preceding the next general assizes, who shall inspect the same, and if they shall so think fit, examine the said Paymaster on oath as to any matter or thing contained in such account, and each such Paymaster shall for that purpose attend such special road sessions, if so required, and submit to such examination; and the chairman of such special road sessions shall transmit each such monthly account to the said Inspector General, with such remarks thereon as such special road sessions shall think fit to make.

LII. That every Sub-Inspector appointed under this Act shall on the first day of every month transmit to the said Inspector General a return, shewing the actual disposition and number of the Constabulary Force of the county for which such Sub-Inspector shall act during the preceding month, which return shall specify the changes made from time to time therein, as well in number as by name, and shall distinguish by number and name the members of the police force of other counties serving within any such county, county of a city, or county of a town, and shall also on the same day transmit to the Secretary of the Grand Jury of the county, county of a city, or county of a town to which such return shall relate, a copy of the said return, to be laid before the Magistrates at their special road sessions next preceding the next general assizes, for examination.

LIII. Provided, That the Inspector General to be appointed under this Act shall, in making out his certificate as hereinbefore provided of the monies chargeable under the provisions of this Act on each county, county of a city, county of a town, or part of a county, have regard to such monthly returns as aforesaid, and shall not include in his certificate the amount of any charge with respect to which any objection shall have been raised by the special road sessions of any county, county of a city, or county of a town, until, upon inquiry made by such Inspector General, he shall be satisfied that such charge is not only reasonable,

but has been properly made against the particular county, county of a city, or county of a town, the special road sessions of which shall have raised objection thereto.

LIV. Provided, That the Inspector General shall not include in his certificate any charge which shall have accrued subsequently to the date of the last monthly account which shall have been submitted to the Magistrates of the county, county of a city, or county of a town to which such demand shall relate, at their general special road sessions next preceeding the date of such certificate.

LV. Provided, That only so much of the county of Dublin as is not comprised within the police district of the Dublin metropolis, as the same may be defined by any Act passed or to be passed, shall, for the purposes of this Act be deemed to be the county of Dublin.

LVI. That it shall and may be lawful to and for all and every person or persons and corporations aggregate or sole, having any estate of freehold in possession in any lands or houses, and not otherwise by law enabled so to do, from time to time to grant or demise to the Receiver to be appointed under this Act, or to any person or persons to be nominated by him for the purpose, but in trust for His Majesty, his heirs and successors, and for any term of years whatsoever, any house or houses, not being the mansion house or belonging thereto, or any portion of ground, not being the garden, lawn, or park, not exceeding one acre, for the purpose of the same being occupied, used, or built upon for the accommodation of the Constabulary Force to be appointed under this Act; every such grant or demise to be made at such annual rent as may be agreed upon by or behalf of such Inspector General, to be reserved to the owner of the immediate reversion in such houses or land for the time being expectant on the determination of such term.

LVII. That there shall be laid annually before both houses of Parliament, during their sitting, a statement of the amount of Constabulary Force employed in each county, county of a city, and county of a town in Ireland, in which statement shall be particularly distinguished the number of persons in each class or rank of the Constabulary Force so employed, with the salaries and allowances actually enjoyed by each class, and that such statement shall be accompanied by an account of the whole expenditure upon the Police Constabulary in each county, county of a city, or county of a town, together with a summary of the total amount of force employed, and of the total expenditure upon the Constabulary Force in Ireland; such statements and accounts to refer to the year ended on the 1st of January of the year in which they are hereby directed to be laid before Parliament.

LVIII. That this Act may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

CAP. XIV.—(IRELAND.)

AN ACT to amend the Laws relating to Bankrupts in *Ireland*.

(20th May 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Statutes repealed.*
2. *Power of present Commissioners to cease; and such commissions to be proceeded in by a Commissioner to be appointed.—Not to invalidate any proceedings had under such commissions.*
3. *Lord Lieutenant may appoint Commissioner.*
4. *All commissions of bankrupt to be issued by such Commissioner.—Oath of Commissioner.*
5. *Sums to be paid to the Commissioner.*
6. *Commissioner not to practise, or sit in House of Commons.*
7. *Sums received by Commissioner to be paid by him into the Bank of Ireland, to the Bankruptcy and Compensation Fund Account.*
8. *Lord Chancellor may regulate fees of officers, &c.*
9. *Compensation to existing Commissioners.*
10. *Salary to Commissioner to be appointed under this Act.*
11. *In case of surplus of Bankruptcy and Compensation Fund account the Lord Chancellor may order diminution of the fees.*
12. *Commissioner to sit when business requires it.—Provision in case of absence of Commissioner.*
13. *A place at Dublin to be appointed for sittings and meetings.—Power to appoint a Register.*
14. *Lord Chancellor may make general rules for regulating sittings, &c.*
15. *Commissioner not to be liable to actions.*
16. *All attorneys and solicitors may practise before the Commissioner.*
17. *Former provisions, not hereby repealed, made applicable to this Act.*
18. *What persons shall be deemed traders liable to become bankrupt.—What persons not liable.*
19. *Departing the realm, absents, &c., deemed acts of bankruptcy.*
20. *Conveyance of all a trader's property not to be an act of bankruptcy, unless commission issue within six months.—Proviso as to execution, and notice in Gazette, &c.*
21. *Lying in prison twenty-one days, and escaping out of prison, acts of bankruptcy.—Proviso as to being in prison at the passing of this Act.*
22. *Filing declaration of insolvency at the bankrupt office an act of bankruptcy, after advertisement in Gazette.—Commission must issue within two months.—Striking of Docket.—Gazette to be evidence.*
23. *Declaration concerted.*
24. *Trader compounding with petitioning creditor an act of bankruptcy.—Commission may be superseded or continued.—Penalty on person so compounding.*

25. *Traders having privilege of Parliament may be proceeded against as other traders.*
26. *Trader having privilege of Parliament not paying, &c. and not entering an appearance to the action within one month, an act of bankruptcy.*
27. *Trader having privilege of Parliament, and disobeying order for payment of money, &c., an act of bankruptcy.*
28. *Provisions of 52 Geo. 3. c. 144. extended to commissions to be issued under this Act.*
29. *Power to Lord Chancellor to issue commission.*
30. *Petitioning creditor to make oath of his debt, and give bond to the Lord Chancellor.—Power to the Lord Chancellor to assign bond.*
31. *Petitioning creditor to prosecute commission at his own expense until choice of assignees.—Bill of costs to be taxed by Commissioner.—Creditors may have bills taxed by a Master.*
32. *Amount of petitioning creditor's debt.—May be upon debt payable at a future time.*
33. *Joint commissions may be issued against partners in a firm.—May be superseded as to one or more without affecting the rest.*
34. *Where second or other commission is issued, Lord Chancellor may direct that commissions may be proceeded in separately or in conjunction.*
35. *Proceeding in case petitioning creditor's debt be insufficient to support commission.*
36. *Commission not invalid by reason of any prior act of bankruptcy.*
37. *Commissioner may summon persons to give evidence of trading and act of bankruptcy.—Adjudication.*
38. *Commissioner shall appoint two sittings for bankrupt to surrender.*
39. *If commission abated by death of the King, &c. only half fees to be payable on renewal.*
40. *Messenger may break open bankrupt's doors, &c. and seize his body or property.*
41. *Messenger may seize goods in England.*
42. *Messenger may obtain search warrant where property of the bankrupt is sworn to be concealed.*
43. *Execution of such warrant in Scotland.*
44. *As to actions against persons acting in obedience to warrant of Commissioner.*
45. *Proof in such actions that defendants are petitioning creditors to render them liable.*
46. *Commissioner empowered to summon persons suspected of having bankrupt's property in their hands, and to compel them to produce books, &c.*
47. *Power to examine persons summoned or present at any sitting.—Persons refusing to be sworn, &c. may be committed.*
48. *Persons suspected to have bankrupt's property to have costs for their attendance.—Witnesses to have expenses tendered.*
49. *Commissioner may summon the bankrupt and examine him.—Bankrupt refusing to be sworn, &c. may be committed.*
50. *Commissioner may summon and examine the bankrupt's wife.*
51. *Penalty on gaoler for escape, 500*l*.*
52. *Questions to be particularly specified in warrant.—If Habeas Corpus be brought, the Judge may recommit the prisoner.—Court or Judge may look at the whole of the examination.*
53. *In actions of false imprisonment the Court may look at the whole of the examination of the party committed.*
54. *Limitation of actions.—General issue.—Double costs.*
55. *Commissioner may appoint assignees until others are chosen by creditors.—Penalty on first assignee not delivering the effects to the new ones, 200*l*.*
56. *Debts, how to be proved :—by corporations ;—by creditors remote or abroad.—Creditor may be examined on oath.*
57. *Lord Chancellor may issue extraordinary commissions for proof of debts, &c.*
58. *Bona fide creditors shall be admitted to prove notwithstanding any secret act of bankruptcy.*
59. *Commissioner may order six months wages of servants or clerks of bankrupts to be paid.*
60. *Apprentices to be discharged from their indentures.—Commissioner may order any sum to be paid in respect of apprentice fees.*
61. *Mutual debts and credits may be set off, notwithstanding a secret act of bankruptcy.*
62. *Debts not payable at the time of the bankruptcy may be proved, deducting rebate of interest.*
63. *Sureties and persons liable for the debts of bankrupts may prove after having paid such debts.*
64. *Obligees in bottomry or respondentia bonds, &c. admitted to claim, and, after loss, to prove.—Persons effecting insurance admitted to prove loss.*
65. *Annuity creditor admitted to prove.*
66. *Sureties for payment of annuities granted by bankrupt, in what manner to come in under the commission.*
67. *Debts contingent at the time of the bankruptcy to be proveable after the happening of the contingency.*
68. *Interest on promissory notes and bills of exchange proveable.*
69. *Plaintiff obtaining judgment, &c. entitled to prove for costs, &c.*
70. *Proving a debt under commission to be an election not to proceed by action.—Creditor having elected to come in under commission, if it be afterwards superseded, restored to his former rights.*
71. *Commissioner may expunge proof of debts.—Persons requiring investigation to sign undertaking for costs.—Application by petition received.*
72. *Choice of assignees at first sitting.—Commissioner may reject any person chosen as unfit.*
73. *Joint creditor entitled to prove under separate commission ;—but not to receive dividend unless petitioning creditor.*
74. *Personal estate to vest in the assignees by virtue of their appointment.*
75. *In case of death or removal of assignees the personal estate to vest in the new assignee.*
76. *Real estate to vest in assignees by virtue of their appointment.*
77. *In case of death or removal of assignees the real estate to vest in the new assignee.*
78. *Certificate of appointment or choice of assignees to be enrolled.*
79. *Commissioner may make sale of hereditaments whereof bankrupt is seized of any estate tail, &c.*
80. *In case of removal of assignees, notice to be given in Gazette, &c.*
81. *Suits not to be abated by death or removal of assignees.*
82. *Commissioner may sell copyhold lands.*
83. *Vendees of copyhold lands shall compound with the lord for their fines.*

84. *Conditional estates granted by bankrupt may be redeemed.*
85. *Commissioner may proceed when bankrupt by fraud makes himself accountant to the King.*
86. *Goods in possession, &c. of bankrupt by consent of the owner may be sold.—Proviso as to ships, under 4 Geo. 4. c. 41.*
87. *Conveyance by bankrupt of his lands or goods to others, or delivery of securities or transfer of debts into other names, void.*
88. *Distress not to be available for more than one year's rent due.—Landlord to prove for the residuum.*
89. *Bankrupt entitled to leases or agreements for leases when not liable for rent or covenants.—If assignees decline to determine whether they will accept the lease, lessor may petition.*
90. *Vendor of any estate in land may compel assignees to elect whether they will abide by or decline the agreement.*
91. *Assignees may execute powers previously vested in bankrupts.*
92. *Lord Chancellor may order bankrupt to join in conveyance.*
93. *Where trustee becomes bankrupt, Chancellor may order conveyance or assignment to other trustees.*
94. *When the bankrupt beneficially entitled to stock.*
95. *Conveyances, contracts, &c. made, without notice, two months before commission, valid.—Proviso in cases where commission is afterwards superseded.*
96. *Payments made by and to bankrupt, without notice, &c. valid, notwithstanding act of bankruptcy.*
97. *What shall be constructive notice.*
98. *Persons not to be endangered for delivery of goods without notice, &c.*
99. *Notice to bodies corporate, &c.*
100. *Bona fide purchases, with notice, not to be impeached.*
101. *As to impeachment of titles to property sold under commission.*
102. *Assignees, with the consent of creditors, may compound, or submit disputes to arbitration, &c.—Meeting of creditors not attended by one third in value.*
103. *Assignees of any one or more members of a firm may use the names of partners in suits.*
104. *In actions by or against any person acting under commission, no proof required at the trial of petitioning creditor's debt, trading, or act of bankruptcy, unless notice given, &c.*
105. *The same in suits in equity.*
106. *Depositions conclusive in actions or suits by assignees for any debt of bankrupt unless he dispute commission, &c.*
107. *If assignee commence action for money due within time allowed for bankrupt to dispute, defendant may pay money into court.*
108. *If commission afterwards superseded, persons from whom the assignees have recovered, on bona fide paying assignees, to be discharged from claims by the bankrupt.*
109. *Office for registering proceedings in bankruptcy.—Matters enrolled before passing of this Act deemed to be effectually entered of record, and certificate thereof evidence.*
110. *Custody of matters entered of record under former commissions.*
111. *No commission, adjudication, &c., to be received in evidence, unless entered of record.—Lord Chancellor may direct other matters to be entered of record. Certificate of entry endorsed to be evidence of entry.*
112. *Office copies made evidence in certain cases, &c.*
113. *Provision in case of death of witnesses.*
114. *Proceedings in bankruptcy purporting to be signed and sealed by the Commissioner to be received as evidence.*
115. *Where debts do not exceed 20l. certificate of adjudication to be evidence.*
116. *Commissions, deeds, and other instruments relating to estates and effects of bankrupts not liable to stamp duty.—Sales not liable to auction duty.*
117. *Punishment of perjury and false affirmation or declaration.—Provision as to Quakers and others.*
118. *Applications of forfeitures.*
119. *Assignees to keep a book of account of the bankrupt's estate.—Commissioner may summon assignees, &c.*
120. *Creditors to direct where money arising from bankrupt's estate shall be paid in, &c.*
121. *Commissioner may direct any money to be invested in Exchequer bills or in public funds.*
122. *Assignee disobeying direction to pay or invest money, and retaining it, or permitting co-assignee to retain it or employ it, to be charged 20l. per cent.*
123. *If assignee become bankrupt, having bankrupt's estate retained, his certificate shall not discharge his future effects in respect of it.*
124. *Commissioner shall audit accounts of assignees not sooner than four months from the issuing of the commission, nor later than six months from the last examination.*
125. *Method of making dividend.—No dividend without previous audit.*
126. *Creditors having security for their debts not to receive more than other creditors.*
127. *Final dividend within eighteen months, unless suit depending or estate standing out.*
128. *Assignees to file an account in bankrupt office of unclaimed dividends remaining in their hands.—Penalty on assignees neglecting.—Power of investment of such dividends, and dividing the same among other creditors after three years.*
129. *No action for dividend.—Remedy by petition to the Lord Chancellor.*
130. *Bankrupt not surrendering and submitting to be examined, or not discovering all his estate, or not delivering up his goods, books, &c., or removing or embezzling to the amount of 10l., guilty of felony, &c.*
131. *Lord Chancellor may enlarge time for bankrupt surrendering.*
132. *Allowance to bankrupt for maintenance.*
133. *As to bankrupts apprehended by warrant.*
134. *Bankrupt to deliver up his books of account to assignees, upon oath, and to attend assignees.—Allowance for attendance.—Commitment for non-attendance.*
135. *Bankrupt may be appointed to manage his estate, &c. for benefit of creditors.*
136. *Bankrupt to be free from arrest during examination, if not in custody; and, if arrested, to be discharged on producing summons.—Penalty on officer detaining bankrupt.*
137. *Commissioner may adjourn final examination of bankrupt sine die.*
138. *Bankrupt in custody to be brought before the Commissioner at the creditor's expense.—Assignees may appoint persons to attend bankrupt in prison.*
139. *Penalty on persons concealing bankrupt's effects.—Allowance to persons making discovery thereof.*
140. *Bankrupt discharged by certificate of conformity.—Partner not discharged.*
141. *Certificate to be signed by four-fifths in number and value of creditors above 20l.; after six months by three-fifths in number and value, or nine tenths in number.—Allowance of by the Lord Chancellor.*
142. *Proof of signature of creditors.*

143. *Contracts and securities to induce creditors to sign void.*
144. *Bankrupt having obtained his certificate free from arrest.—Certificate to be evidence of proceedings under commission.—Bankrupt taken in execution may be discharged.*
145. *Where bankrupt has been bankrupt before, &c. his future effects liable.*
146. *Allowance to bankrupt in proportion to dividend.*
147. *One partner may receive allowance though the others are not entitled.*
148. *Bankrupt not entitled to certificate or allowance; and certificate void in certain cases.*
149. *Bankrupt not liable upon any promise to pay debt discharged by certificate unless it be in writing.*
150. *Assignees shall, in case of surplus, account, and pay it to bankrupt; but in such case all carry interest.*
151. *Nine-tenths in number and value of creditors may accept a composition which shall bind the rest.*
152. *Mode of voting in deciding upon such composition.*
153. *Agents to commissions to be under controul of Commissioner, and to take oath.—Form of oath of agent.*
154. *Messengers not allowed to act as agents;—to take an oath.—Oath of messenger.*
155. *Commissioner may take evidence vivâ voce or on affidavit.*
156. *As to concerted bankruptcies.*
157. *Penalty on any person taking fees.*
158. *Commissioner may commit persons interrupting Courts, &c.*
159. *Offences against this Act.*
160. *Construction of the Act.*
161. *Commencement of Act.—Limiting its extent.*
162. *Act may be altered.*

By this Act,

After reciting that it is expedient to amend the laws relating to bankrupts, and to consolidate the same so amended in one Act, and to provide means of administering and distributing the estate and effects of bankrupts other than are now provided by law :

It is Enacted,

I. That 11 & 12 Geo. 3. (I.); 17 & 18 Geo. 3. (I.); 17 & 18 Geo. 3. (I.); 19 & 20 Geo. 3. (I.); 21 & 22 Geo. 3. (I.); 21 & 22 Geo. 3. (I.); 26 Geo. 3. (I.); 28 Geo. 3. (I.); 30 Geo. 3. (I.); 36 Geo. 3. (I.); 37 Geo. 3. (I.); 39 Geo. 3. (I.); 40 Geo. 3. (I.); 46 Geo. 3. c. 135; 49 Geo. 3. c. 121; be and the same are hereby repealed, save so far as the same repeal any other Act: Provided, however, that all matters heretofore done, or, until this Act shall take effect, to be done, under the said Acts or any of them, shall be as valid and effectual as if the said Acts were still in force.

II. That all power, jurisdiction, and authority of the Commissioners named in any commission of bankrupt which shall be subsisting at the time when this Act shall take effect shall cease and determine, and that every such commission and all such power and authority shall be and is hereby transferred to the Commissioner to be appointed by virtue of this Act; and all further proceedings shall be thenceforth carried on in like manner as if such commission had been originally issued by the Lord Chancellor, pursuant to this Act, to the Commissioner to be appointed by virtue of this Act: Provided always, that nothing herein contained shall render invalid any proceedings which may have been had under any commission now subsisting, or which shall have been issued before this Act shall come into operation, or affect or lessen any right, claim, demand, or remedy which any person now has thereunder, or upon or against any bankrupt against whom any such commission has or shall have issued as aforesaid, except as herein specially enacted.

III. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being to appoint a fit and proper person, being a barrister-at-law of not less than ten years standing at the bar, to be the Commissioner in all commissions of bankrupt to be issued pursuant to this Act, and to be called the Commissioner of Bankrupt; which Commissioner, so to be appointed, shall hold his office during good behaviour: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors for the time being of Ireland to remove such Commissioner upon a certificate from the Lord Chancellor of some sufficient reason to be named therein for such removal.

IV. That all commissions of bankrupt issued under the Great Seal of that part of the United Kingdom of Great Britain and Ireland, called Ireland, by virtue of this Act, shall be issued to the said Commissioner; and that such Commissioner shall, before he shall be capable of acting in the execution of any of the powers and authorities given him by virtue of this Act, take an oath in the presence of the Lord Chancellor to the effect following; (that is to say,)

‘ I A. B. do swear, That I will faithfully, honestly, and impartially, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as Commissioner of Bankrupt, and that without Favour or Affection, Prejudice or Malice.
So help me GOD.’

And the Commissioner, having once taken the said oath, shall not again be required to take the same so long as he shall continue in office.

V. That in lieu of the fees now payable for like matters the said Commissioner shall receive and be paid by the agent to each commission the fee of 3*l*. sterling for every sitting under such commission, and the like sum for every conveyance executed by him, and for the signature to the bankrupt's certificate; and the fees so payable shall, if not paid by the agent to the commission, be charged on and paid by the assignees out of the estate of the bankrupt; and if the Commissioner shall directly or indirectly receive from the creditors or out of the estate of the bankrupt any further sum than as aforesaid, he shall be disabled for ever from acting as such Commissioner of Bankrupt.

VI. That no Commissioner to be appointed by virtue of this Act shall during his continuance in such office practise as a barrister, or be capable of being elected a member of the House of Commons.

XXII. That if any such trader shall file in the office of the Lord Chancellor's Secretary of Bankrupts a declaration in writing, signed by such trader, and attested by an attorney or solicitor, that he is insolvent, or unable to meet his engagements, the said Secretary of Bankrupts shall sign a memorandum that such declaration hath been filed, which memorandum shall be authority for the printer of the *Dublin Gazette* to insert an advertisement of such declaration therein; and every such declaration shall, after such advertisement inserted as aforesaid, be an act of bankruptcy committed by such trader at the time when such declaration was filed; but no commission shall issue thereupon unless it be sued out within two calendar months next after the insertion of such advertisement, and unless such advertisement shall have been inserted in the *Dublin Gazette* within eight days after such declaration was filed; and no docket shall be struck upon such act of bankruptcy before the expiration of four days next after the insertion of such advertisement; and the Gazette containing such advertisement shall be evidence to be received of such declaration having been filed.

XXIII. That no commission under which the adjudication shall be grounded on the act of bankruptcy being the filing of such declaration shall be deemed invalid by reason of such declaration having been concerted or agreed upon between the bankrupt and any creditor or other person.

XXIV. That if any trader liable by virtue of this Act to become bankrupt shall, after a docket struck against him, pay to the person or persons who struck the same, or any of them, money, or give or deliver to any such person any such satisfaction or security for his debt or any part thereof whereby such person may receive more in the pound in respect of his debt than the other creditors, such payment, gift, delivery, satisfaction, or security shall be an act of bankruptcy; and if any commission shall have issued upon the docket so struck as aforesaid, the Lord Chancellor may either declare such commission to be valid, and direct the same to be proceeded in, or may order it to be superseded, and a new commission may issue; and such commission may be supported either by proof of such last-mentioned or of any other act of bankruptcy; and every person so receiving such money, gift, delivery, satisfaction, or security as aforesaid shall forfeit his whole debt, and also repay or deliver up such money, gift, satisfaction, or security as aforesaid, or the full value thereof, to such person or persons as the Commissioner acting under such original commission or any new commission shall appoint, for the benefit of the creditors of such bankrupt.

XXV. That if any such trader having privilege of Parliament shall commit any of the aforesaid acts of bankruptcy, a commission may issue against him, and the Commissioner and all other persons acting under such commission may proceed thereon in like manner as against other bankrupts, but such person shall not be subject to be arrested or imprisoned during the time of such privilege, except in cases hereby made felony.

XXVI. That if any creditor or creditors of any such trader having privilege of Parliament to such amount as is hereinafter declared requisite to support a commission, shall file an affidavit or affidavits in any court of record in Dublin that such debt or debts is or are justly due to him or them respectively, and that such debtor, as he or they verily believe, is such trader as aforesaid, and shall sue out of the same court a summons, or an original bill and summons, against such trader, and serve him with a copy of such summons, if such trader shall not within one calendar month after personal service of such summons pay, secure, or compound for such debt or debts to the satisfaction of such creditor or creditors, or enter into a bond in such sum, and with two sufficient sureties, as any of the Judges of the court out of which such summons shall issue shall approve of, to pay such sum as shall be recovered in such action or actions, together with such costs as shall be given in the same, and within one calendar month next after personal service of such summons cause an appearance or appearances to be entered to such action or actions in the proper court or courts in which the same shall have been brought, every such trader shall be deemed to have committed an act of bankruptcy from the time of the service of such summons, and any creditor or creditors of such trader to such amount as aforesaid may sue out a commission against him, and proceed thereon in like manner as against other bankrupts.

XXVII. That if any decree or order shall have been pronounced in any cause or matter depending in any court of equity against any such trader having privilege of Parliament, ordering such trader to pay any sum of money, and such trader shall disobey, the same having been duly served upon him, the person or persons entitled to receive such sum under such decree or order, or interested in enforcing the payment thereof pursuant to such decree or order, may apply to the Court by which the same shall have been pronounced to fix a peremptory day for the payment of such money, which shall accordingly be fixed by an order for that purpose; and if such trader, being personally served with such last-mentioned order eight days before the day therein appointed for payment of such money, shall neglect to pay the same, he shall be deemed to have committed an act of bankruptcy from the time of the service thereof, and any such creditor or creditors as aforesaid may sue out a commission against him, and proceed thereon in like manner as against other bankrupts.

XXVIII. That the provisions of an Act, 52 Geo. 3. c. 144, intitled, 'An Act to suspend and finally vacate the Seats of Members of the House of Commons who shall become Bankrupts, and who shall not pay their Debts in full within a limited Time,' shall extend, as far as the same may be applicable, to every commission to be issued and to the Commissioner to be appointed by virtue of this Act.

XXIX. That the Lord Chancellor shall have power, upon petition made to him in writing against any trader having committed any act of bankruptcy, by any creditor or creditors of such trader whose debt or debts shall amount to the sum or sums hereinafter mentioned, to issue a commission under the Great Seal of that part of the United Kingdom of Great Britain and Ireland called Ireland to the Commissioner to be appointed as hereinbefore mentioned, who shall, by virtue of this Act and of such commission, have full power and authority to take such order and direction with the body of such bankrupt as hereinafter mentioned, as also with all his lands, tenements, and hereditaments, both within the realm and abroad, as well copy or customary-hold as freehold, whether in England, Ireland, or elsewhere, which he shall have in his own right before he became bankrupt, as also with all such interest in any such lands, tenements, and hereditaments as such bankrupt may lawfully depart with, and with all his money, fees, offices, annuities, goods, chattels, wares, merchandize, and debts, whatsoever they may be found or known, and to make sale thereof in manner hereinafter mentioned, or otherwise order the same for satisfaction and payment of the creditors of the said bankrupt.

xxx. That the petitioning creditor shall, before any commission be granted, make an affidavit in writing before a Master, Ordinary or Extraordinary, in Chancery (which shall be filed with the proper officer), of the truth of such his or their respective debt or debts, and shall likewise give bond to the Lord Chancellor in the penalty of 200*l.*, to be conditioned for proving his or their debt or debts, as well before the Commissioner as upon any trial at law, in case the due issuing forth of the commission be contested, and also for proving the party to have committed an act of bankruptcy at the time of taking out such commission, and to proceed on such commission; but if such debt or debts shall not be really due, or if after such commission taken out it be not proved that the party had committed an act of bankruptcy at the time of issuing of the commission, and it shall also appear that such commission was taken out fraudulently or maliciously, the Lord Chancellor shall and may, upon petition of the party or parties against whom the commission was so taken out, examine into the same, and order satisfaction to be made to him or them for the damages by him or them sustained, and for the better recovery thereof may sign such bond or bonds to the party or parties so petitioning, who may sue for the same in his and their name and names.

xxxi. That the petitioning creditor or creditors shall at his or their own costs sue forth and prosecute the commission until the choice of assignees; and the Commissioner shall at the meeting for such choice ascertain such costs, and by writing under his hand direct the same to be paid to such petitioning creditor or creditors out of the monies that shall be got in under the commission; and all bills of fees or disbursements of any solicitor or attorney employed under any commission, for business done after the choice of assignees, shall be settled by the Commissioner, except that so much of such bills as contain any charge respecting any action at law or suit in equity shall be settled by the proper officer of the Court in which such business shall have been transacted, and the same so settled shall be paid to such solicitor or attorney; provided that any creditor who shall have proved to the amount of 20*l.* or upwards, if he be dissatisfied with such settlement by the Commissioner, may have any such costs and bills settled by a Master in Chancery.

xxxii. That no such commission shall be issued unless the single debt of such creditor, or of two or more persons being partners, petitioning for the same, shall amount to 100*l.* or upwards, or unless the debt of two creditors so petitioning shall amount to 150*l.* or upwards, or unless the debt of three or more creditors so petitioning shall amount to 200*l.* or upwards; and that every person who has given credit to any trader for valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed an act of bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have any security in writing or otherwise for such sum or not.

xxxiii. That any creditor or creditors whose debt or debts is or are sufficient to enable him or them to petition for a commission against all the partners of any firm may petition for a commission against one or more of the partners of such firm; and every commission issued upon such petition shall be valid although it does not include all the partners of the firm; and in every commission against two or more persons it shall be lawful for the Lord Chancellor to supersede such commission as to one or more of such persons, and the validity of such commission shall not be thereby affected as to any person as to whom such commission is not ordered to be superseded, nor shall any person's certificate be thereby affected.

xxxiv. That if after a commission issued against two or more members of a firm any other commission or commissions shall be issued against any other member or members of such firm immediately after the adjudication under such other commission or commissions, all the estate, real and personal, of such person or persons declared bankrupt under such other commission or commissions shall become vested in and transferred to the assignees under the first commission or commissions, in the same manner as if they had been appointed assignees under such other commission or commissions, according to the provisions of this Act, and all separate proceedings under such commission or commissions shall be stayed; and such commission or commissions shall, without affecting the validity of the first commission, be annexed to and form part of the same: Provided always, that the Lord Chancellor may direct such commission or commissions to be proceeded on, either separately or in conjunction with the first commission.

xxxv. That if after adjudication the debt or debts of the petitioning creditor or creditors, or any of them, be found insufficient to support the commission, it shall be lawful for the Lord Chancellor, upon application of any other creditor or creditors having proved any debt or debts sufficient to support a commission, provided such debt or debts has or have been incurred not anterior to the debt or debts of the petitioning creditor or creditors, to order the said commission to be proceeded in, and it shall by such order be deemed valid.

xxxvi. That no commission shall be deemed invalid by reason of any act or acts of bankruptcy prior to the debt or debts of the petitioning creditor or creditors, or any of them, provided there be a sufficient act of bankruptcy subsequent to such debt or debts.

xxxvii. That it shall and may be lawful for the Commissioner, by writing under his hand, to summon before him any person whom he shall believe capable of giving any information concerning the trading or any act or acts of bankruptcy committed by the person or persons against whom such commission is issued, and also to require any person so summoned to reduce any books, papers, deeds, writings, and other documents in the possession, custody, or power of such person which may appear to the said Commissioner to be necessary to establish any such trading or act or acts of bankruptcy; and it shall be lawful for the said Commissioner to examine any such person upon oath, by word of mouth or interrogatories in writing, concerning the trade of or any act or acts of bankruptcy committed by the person or persons against whom such commission shall have issued; and every such person so summoned shall incur such danger or penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of the said Commissioner, or for refusing to sign or subscribe his examination, or for refusing to produce or for not producing any such book, paper, deed, writing, or document, as is hereby provided as to persons summoned after the adjudication of bankruptcy; and the Commissioner, upon oath made before him of the petitioning creditor's debt or debts, and of the trading or act or acts of bankruptcy of the person or persons against whom such commission is issued, shall thereupon adjudge such person or persons bankrupt.

XXXVIII. That the Commissioner, after he shall have adjudged as aforesaid, shall forthwith cause notice of such adjudication to be given in the *Dublin Gazette*, and shall thereby appoint two or more public sittings for the bankrupt to surrender and conform, the last of which sittings shall be on the forty-second day hereby limited for such surrender.

XXXIX. That if, by reason of the demise of the Crown, or of the death, resignation, or removal of the Commissioner, it shall become necessary to renew any commission, only half the fees usually payable upon obtaining commissions shall be paid for such renewed commission; and if any bankrupt shall die after adjudication the Commissioner may proceed in the bankruptcy as he might have done if such bankrupt were living.

XL. That it shall be lawful for any person appointed by the Commissioner, by his warrant under his hand and seal, to break open any house, chamber, shop, warehouse, door, trunk, or chest of any bankrupt where such bankrupt or any of his property shall be reputed to be, and seize upon the body or property of such bankrupt; and if the bankrupt be in prison or in custody it shall be lawful for the person so appointed as aforesaid to seize any property (his necessary wearing apparel only excepted) in the custody or possession of such bankrupt, or of any other person in any prison or place where such bankrupt is in custody.

XLI. That it shall be lawful for the person so appointed by the Commissioners as aforesaid to break open any house, chamber, shop, warehouse, door, trunk, or chest of such bankrupt in England where any of the property of such bankrupt shall be reputed to be, and seize the same, provided the execution of such warrant by the Commissioner shall be verified by the oath of the person thereby appointed before a Justice of Peace residing in the county where such property shall be reputed to be, and provided that the person thereby appointed shall before such Justice depose upon oath that he is the person named in such warrant.

XLII. That in all cases where it shall be made to appear to the satisfaction of any Justice of Peace in England or Ireland that there is reason to suspect and believe that property of the bankrupt is concealed in any house, premises, or other place not belonging to such bankrupt, such Justice of Peace is hereby directed and authorized to grant a search warrant to the person so deputed by the Commissioner as aforesaid, and it shall be lawful for such person to execute the same in like manner, and such person shall be entitled to the same protection as is allowed by law in execution of a search warrant for property reputed to be stolen and concealed.

XLIII. That if in the execution of any warrant of seizure so granted by the Commissioner as aforesaid it shall be necessary to break open any house, chamber, shop, warehouse, door, trunk, or chest of any such bankrupt in Scotland where any of the property of such bankrupt shall be reputed to be, or to seize and get possession of such property, such warrant, after the execution thereof by the Commissioner, and the identity of the person named therein, shall have been verified upon oath as aforesaid, may be backed or indorsed with the name of a Judge Ordinary or Justice of the Peace in Scotland, who are hereby required within their respective jurisdictions, to back or indorse the same; and such warrant so indorsed shall be sufficient authority to the person bringing such warrant, and to all officers of the law in Scotland, to execute the same within the county or burgh wherein it is so indorsed, and in virtue thereof to break open the house, chamber, shop, warehouse, door, trunk, or chest of such bankrupt, and to seize and take possession of such property, to be distributed under the said commission, or otherwise dealt with according to law.

XLIV. That no action shall be brought against any person so appointed by the Commissioner for any thing done in obedience to his warrant prior to the choice of assignees, unless demand of the perusal and copy of such warrant hath been made or left at the usual place of abode of such person or persons by the party or parties intending to bring such action, or by his or their attorney or agent, in writing, signed by the party or parties demanding the same, and unless the same hath been refused or neglected for six days after such demand; and if after such demand and compliance therewith, any action be brought against the persons so appointed as aforesaid, without making the petitioning creditor or creditors defendant or defendants, if living, on producing and proving such warrant at the trial of such action the jury shall give their verdict for the defendant, notwithstanding any defect of jurisdiction in the Commissioner; and if such action be brought against the petitioning creditor or creditors and the person so appointed as aforesaid, the jury shall, on proof of such warrant, give their verdict for the person so appointed as aforesaid, notwithstanding any such defect of jurisdiction as aforesaid; and if the verdict shall be given against the petitioning creditor or creditors the plaintiff or plaintiffs shall recover his or their costs against him or them, to be taxed so as to include such costs as the plaintiff or plaintiffs are liable to pay to the person so appointed as aforesaid.

XLV. That in any such action so brought as aforesaid against the petitioning creditor or creditors, either alone or jointly with the person so appointed by the Commissioner as aforesaid, for anything done in obedience to his warrant, proof by the plaintiff or plaintiffs in such action that the defendant or defendants or any of them is or are petitioning creditor or creditors shall be sufficient for the purpose of making such defendant or defendants liable, in the same manner and to the same extent as if the act complained of in such action had been done or committed by such defendant or defendants.

XLVI. That after adjudication it shall be lawful for the Commissioner, by writing under his hand, to summon before him any person known or suspected to have any of the estate of the bankrupt in his possession, or who is supposed to be indebted to the bankrupt, or any person whom the Commissioner believes capable of giving information concerning the person, trade, dealings, or estate of such bankrupt, or concerning any act or acts of bankruptcy committed by him, or any information material to the full disclosure of the dealings of the bankrupt; and it shall be lawful for the said Commissioner to require such person to produce any books, papers, deeds, writings, or other documents in his custody or power which may appear to the Commissioner necessary to the verification of the deposition of such person, or to the full disclosure of any of the matters which the commissioner is authorized to inquire into; and if such person so summoned as aforesaid shall not come before the Commissioner at the time appointed, having no lawful impediment (made known to the said Commissioner at the time of his sitting, and allowed by him), it shall be lawful for the said Commissioner, by warrant under his hand and seal, to authorize and direct the person or persons therein named for that purpose to apprehend and arrest such person, and bring him before the Commissioner, to be examined as aforesaid.

XLVII. That upon the appearance of any person so summoned or brought before the Commissioner as aforesaid, or if any

xxx. That the petitioning creditor shall, before any commission be granted, make an affidavit in writing before a Master, Ordinary or Extraordinary, in Chancery (which shall be filed with the proper officer), of the truth of such his or their respective debt or debts, and shall likewise give bond to the Lord Chancellor in the penalty of 200*l.*, to be conditioned for proving his or their debt or debts, as well before the Commissioner as upon any trial at law, in case the due issuing forth of the commission be contested, and also for proving the party to have committed an act of bankruptcy at the time of taking out such commission, and to proceed on such commission; but if such debt or debts shall not be really due, or if after such commission taken out it be not proved that the party had committed an act of bankruptcy at the time of issuing of the commission, and it shall also appear that such commission was taken out fraudulently or maliciously, the Lord Chancellor shall and may, upon petition of the party or parties against whom the commission was so taken out, examine into the same, and order satisfaction to be made to him or them for the damages by him or them sustained, and for the better recovery thereof may sign such bond or bonds to the party or parties so petitioning, who may sue for the same in his and their name and names.

xxx*i.* That the petitioning creditor or creditors shall at his or their own costs sue forth and prosecute the commission until the choice of assignees; and the Commissioner shall at the meeting for such choice ascertain such costs, and by writing under his hand direct the same to be paid to such petitioning creditor or creditors out of the monies that shall be got in under the commission; and all bills of fees or disbursements of any solicitor or attorney employed under any commission, for business done after the choice of assignees, shall be settled by the Commissioner, except that so much of such bills as contain any charge respecting any action at law or suit in equity shall be settled by the proper officer of the Court in which such business shall have been transacted, and the same so settled shall be paid to such solicitor or attorney; provided that any creditor who shall have proved to the amount of 20*l.* or upwards, if he be dissatisfied with such settlement by the Commissioner, may have any such costs and bills settled by a Master in Chancery.

xxx*ii.* That no such commission shall be issued unless the single debt of such creditor, or of two or more persons being partners, petitioning for the same, shall amount to 100*l.* or upwards, or unless the debt of two creditors so petitioning shall amount to 150*l.* or upwards, or unless the debt of three or more creditors so petitioning shall amount to 200*l.* or upwards; and that every person who has given credit to any trader for valuable consideration for any sum payable at a certain time, which time shall not have arrived when such trader committed an act of bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have any security in writing or otherwise for such sum or not.

xxx*iii.* That any creditor or creditors whose debt or debts is or are sufficient to enable him or them to petition for a commission against all the partners of any firm may petition for a commission against one or more of the partners of such firm; and every commission issued upon such petition shall be valid although it does not include all the partners of the firm; and in every commission against two or more persons it shall be lawful for the Lord Chancellor to supersede such commission as to one or more of such persons, and the validity of such commission shall not be thereby affected as to any person as to whom such commission is not ordered to be superseded, nor shall any person's certificate be thereby affected.

xxx*iv.* That if after a commission issued against two or more members of a firm any other commission or commissions shall be issued against any other member or members of such firm immediately after the adjudication under such other commission or commissions, all the estate, real and personal, of such person or persons declared bankrupt under such other commission or commissions shall become vested in and transferred to the assignees under the first commission or commissions, in the same manner as if they had been appointed assignees under such other commission or commissions, according to the provisions of this Act, and all separate proceedings under such commission or commissions shall be stayed; and such commission or commissions shall, without affecting the validity of the first commission, be annexed to and form part of the same: Provided always, that the Lord Chancellor may direct such commission or commissions to be proceeded on, either separately or in conjunction with the first commission.

xxx*v.* That if after adjudication the debt or debts of the petitioning creditor or creditors, or any of them, be found insufficient to support the commission, it shall be lawful for the Lord Chancellor, upon application of any other creditor or creditors having proved any debt or debts sufficient to support a commission, provided such debt or debts has or have been incurred not anterior to the debt or debts of the petitioning creditor or creditors, to order the said commission to be proceeded in, and it shall by such order be deemed valid.

xxx*vi.* That no commission shall be deemed invalid by reason of any act or acts of bankruptcy prior to the debt or debts of the petitioning creditor or creditors, or any of them, provided there be a sufficient act of bankruptcy subsequent to such debt or debts.

xxx*vii.* That it shall and may be lawful for the Commissioner, by writing under his hand, to summon before him any person whom he shall believe capable of giving any information concerning the trading or any act or acts of bankruptcy committed by the person or persons against whom such commission is issued, and also to require any person so summoned to produce any books, papers, deeds, writings, and other documents in the possession, custody, or power of such person which may appear to the said Commissioner to be necessary to establish any such trading or act or acts of bankruptcy; and it shall be lawful for the said Commissioner to examine any such person upon oath, by word of mouth or interrogatories in writing, concerning the trade of or any act or acts of bankruptcy committed by the person or persons against whom such commission shall have issued; and every such person so summoned shall incur such danger or penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for not fully answering to the satisfaction of the said Commissioner, or for refusing to sign or subscribe his examination, or for refusing to produce or for not producing any such book, paper, deed, writing, or document, as is hereby provided as to persons summoned after the adjudication of bankruptcy; and the Commissioner, upon oath made before him of the petitioning creditor's debt or debts, and of the trading or act or acts of bankruptcy of the person or persons against whom such commission is issued, shall thereupon adjudge such person or persons bankrupt.

XXXVIII. That the Commissioner, after he shall have adjudged as aforesaid, shall forthwith cause notice of such adjudication to be given in the *Dublin Gazette*, and shall thereby appoint two or more public sittings for the bankrupt to surrender and conform, the last of which sittings shall be on the forty-second day hereby limited for such surrender.

XXXIX. That if, by reason of the demise of the Crown, or of the death, resignation, or removal of the Commissioner, it shall become necessary to renew any commission, only half the fees usually payable upon obtaining commissions shall be paid for such renewed commission; and if any bankrupt shall die after adjudication the Commissioner may proceed in the bankruptcy as he might have done if such bankrupt were living.

XL. That it shall be lawful for any person appointed by the Commissioner, by his warrant under his hand and seal, to break open any house, chamber, shop, warehouse, door, trunk, or chest of any bankrupt where such bankrupt or any of his property shall be reputed to be, and seize upon the body or property of such bankrupt; and if the bankrupt be in prison or in custody it shall be lawful for the person so appointed as aforesaid to seize any property (his necessary wearing apparel only excepted) in the custody or possession of such bankrupt, or of any other person in any prison or place where such bankrupt is in custody.

XLI. That it shall be lawful for the person so appointed by the Commissioners as aforesaid to break open any house, chamber, shop, warehouse, door, trunk, or chest of such bankrupt in England where any of the property of such bankrupt shall be reputed to be, and seize the same, provided the execution of such warrant by the Commissioner shall be verified by the oath of the person thereby appointed before a Justice of Peace residing in the county where such property shall be reputed to be, and provided that the person thereby appointed shall before such Justice depose upon oath that he is the person named in such warrant.

XLII. That in all cases where it shall be made to appear to the satisfaction of any Justice of Peace in England or Ireland that there is reason to suspect and believe that property of the bankrupt is concealed in any house, premises, or other place not belonging to such bankrupt, such Justice of Peace is hereby directed and authorized to grant a search warrant to the person so deputed by the Commissioner as aforesaid, and it shall be lawful for such person to execute the same in like manner, and such person shall be entitled to the same protection as is allowed by law in execution of a search warrant for property reputed to be stolen and concealed.

XLIII. That if in the execution of any warrant of seizure so granted by the Commissioner as aforesaid it shall be necessary to break open any house, chamber, shop, warehouse, door, trunk, or chest of any such bankrupt in Scotland where any of the property of such bankrupt shall be reputed to be, or to seize and get possession of such property, such warrant, after the execution thereof by the Commissioner, and the identity of the person named therein, shall have been verified upon oath as aforesaid, may be backed or indorsed with the name of a Judge Ordinary or Justice of the Peace in Scotland, who are hereby required within their respective jurisdictions, to back or indorse the same; and such warrant so indorsed shall be sufficient authority to the person bringing such warrant, and to all officers of the law in Scotland, to execute the same within the county or burgh wherein it is so indorsed, and in virtue thereof to break open the house, chamber, shop, warehouse, door, trunk, or chest of such bankrupt, and to seize and take possession of such property, to be distributed under the said commission, or otherwise dealt with according to law.

XLIV. That no action shall be brought against any person so appointed by the Commissioner for any thing done in obedience to his warrant prior to the choice of assignees, unless demand of the perusal and copy of such warrant hath been made or left at the usual place of abode of such person or persons by the party or parties intending to bring such action, or by his or their attorney or agent, in writing, signed by the party or parties demanding the same, and unless the same hath been refused or neglected for six days after such demand; and if after such demand and compliance therewith, any action be brought against the persons so appointed as aforesaid, without making the petitioning creditor or creditors defendant or defendants, if living, on producing and proving such warrant at the trial of such action the jury shall give their verdict for the defendant, notwithstanding any defect of jurisdiction in the Commissioner; and if such action be brought against the petitioning creditor or creditors and the person so appointed as aforesaid, the jury shall, on proof of such warrant, give their verdict for the person so appointed as aforesaid, notwithstanding any such defect of jurisdiction as aforesaid; and if the verdict shall be given against the petitioning creditor or creditors the plaintiff or plaintiffs shall recover his or their costs against him or them, to be taxed so as to include such costs as the plaintiff or plaintiffs are liable to pay to the person so appointed as aforesaid.

XLV. That in any such action so brought as aforesaid against the petitioning creditor or creditors, either alone or jointly with the person so appointed by the Commissioner as aforesaid, for anything done in obedience to his warrant, proof by the plaintiff or plaintiffs in such action that the defendant or defendants or any of them is or are petitioning creditor or creditors shall be sufficient for the purpose of making such defendant or defendants liable, in the same manner and to the same extent as if the act complained of in such action had been done or committed by such defendant or defendants.

XLVI. That after adjudication it shall be lawful for the Commissioner, by writing under his hand, to summon before him any person known or suspected to have any of the estate of the bankrupt in his possession, or who is supposed to be indebted to the bankrupt, or any person whom the Commissioner believes capable of giving information concerning the person, trade, dealings, or estate of such bankrupt, or concerning any act or acts of bankruptcy committed by him, or any information material to the full disclosure of the dealings of the bankrupt; and it shall be lawful for the said Commissioner to require such person to produce any books, papers, deeds, writings, or other documents in his custody or power which may appear to the Commissioner necessary to the verification of the deposition of such person, or to the full disclosure of any of the matters which the commissioner is authorized to inquire into; and if such person so summoned as aforesaid shall not come before the Commissioner at the time appointed, having no lawful impediment (made known to the said Commissioner at the time of his sitting, and allowed by him), it shall be lawful for the said Commissioner, by warrant under his hand and seal, to authorize and direct the person or persons therein named for that purpose to apprehend and arrest such person, and bring him before the Commissioner, to be examined as aforesaid.

XLVII. That upon the appearance of any person so summoned or brought before the Commissioner as aforesaid, or if any

person be present at any sitting of the Commissioner, it shall be lawful for him to examine every such person upon oath, either by word of mouth or by interrogatories in writing, concerning the person, trade, dealings, or estate of such bankrupt, or concerning any act or acts of bankruptcy by such bankrupt committed, and to reduce into writing the answers of every such person; and such answers so reduced into writing the party examined is hereby required to sign and subscribe; and if any such person shall refuse to be sworn, or shall refuse to answer any lawful questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such lawful questions, or shall refuse to sign and subscribe his examination so reduced into writing as aforesaid (not having any lawful objection allowed by the said Commissioner), and shall not produce any books, papers, deeds, and writings and other documents in his custody or power relating to any of the matters aforesaid, which such person was required by the Commissioner to produce, and to the production of which he shall not state any objection allowed by the said Commissioner, it shall be lawful for the said Commissioner, by warrant under his hand and seal, to commit him to such prison as he shall think fit, there to remain without bail until he shall submit himself to the Commissioner to be sworn, and full answers make to his satisfaction to all such lawful questions as shall be put to him, and sign and subscribe such examination, and produce such books, papers, deeds, writings, and other documents as aforesaid in his custody or power, to the production of which no such objection as aforesaid has been allowed.

XLVIII. That where any person known or suspected to have any of the estate of the bankrupt in his possession, or who is supposed to be indebted to the bankrupt, shall be summoned to attend before the said Commissioner, every such person shall have such costs and charges as the said Commissioner in his discretion shall think fit; and every witness summoned to attend before the Commissioner shall have his necessary expenses tendered to him, in like manner as is now by law required upon service of a subpoena to a witness in an action at law.

XLIX. That it shall be lawful for the said Commissioner, by writing under his hand, to summon any bankrupt before him, whether such bankrupt shall have obtained his certificate or not; and in case he shall not come at the time by the Commissioner appointed (having no lawful impediments made known to the Commissioner at such time, and allowed by him,) it shall be lawful for the said Commissioner, by warrant under his hand and seal, to authorize and direct any person or persons he shall think fit to apprehend and arrest such bankrupt, and bring him before the Commissioner; and upon the appearance of such bankrupt, or if such bankrupt be present at any sitting of the said Commissioner, it shall be lawful for him to examine such bankrupt upon oath, either by word of mouth or on interrogatories in writing, touching all matters relating either to his trade, dealings, or estate, or which may tend to disclose any secret grant, conveyance, or concealment of his lands, tenements, goods, money, or debts, and to reduce his answers into writing; which examination so reduced into writing the said bankrupt shall sign and subscribe; and if such bankrupt shall refuse to be sworn, or shall refuse to answer any questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of the said Commissioner any such questions, or shall refuse to sign and subscribe his examination so reduced into writing as aforesaid, (not having any lawful objection allowed by the said Commissioner,) it shall be lawful for the said Commissioner, by warrant under his hand and seal, to commit him to such prison as the Commissioner shall think fit, there to remain, without bail, until he shall submit himself to the said Commissioner to be sworn, and full answers make to his satisfaction to such questions as he shall put to him, and sign and subscribe such examination.

L. That it shall be lawful for the Commissioner in manner aforesaid to summon before him the wife of any bankrupt, and in manner aforesaid to examine her, for the finding out and discovery of the estate, goods, and chattels of such bankrupt, concealed, kept, or disposed of by such wife in her own person or by her own act, or by any other person, and she shall incur such danger or penalty for not coming before the Commissioner, or for refusing to be sworn and examined, or for refusing to sign or subscribe her examination, or for not fully answering to the satisfaction of the Commissioner, as is hereby provided against other persons.

LI. That if any gaoler to whose custody any bankrupt or other person shall be committed as aforesaid shall suffer such bankrupt or other person to escape, every such gaoler shall forfeit 500*l*.

LII. That if any person be committed by the Commissioner for refusing to answer or for not fully answering any question put to him by the said Commissioner he shall in his warrant of commitment specify every such question; provided that if any person committed by the Commissioner shall bring any habeas corpus in order to be discharged from such commitment, and there shall appear on the return of such habeas corpus any such insufficiency in the form of the warrant whereby such person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such party shall be brought by habeas corpus, and such Court or Judge is hereby required, to commit such person to the same prison, there to remain until he shall conform, unless it shall be shewn to such Court or Judge by the party committed that he has fully answered all lawful questions put to him by the Commissioner, or if such person was committed for refusing to be sworn, or for not signing his examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, that such Court or Judge shall, if required thereto by the party committed, in case the whole of the examination of the party so committed shall not have been stated in the warrant of commitment, inspect and consider the whole of the examination of such party whereof any such question was a part, and if it shall appear from the whole examination that the answer or answers of the party committed is or are satisfactory, such Court or Judge shall and may order the party so committed to be discharged.

LIII. That in every action in respect of any such commitment, brought by any bankrupt or other person committed, the Court or Judge before which or whom such action is tried shall, if thereto required by the defendant or defendants in such action, (in case the whole of the examination of the party so committed shall not have been stated in the warrant of commitment,) inspect and consider the whole of such examination; and if upon such examination and consideration it shall appear to such Court or Judge that the party was lawfully committed, the defendant or defendants in such action shall have the same benefit therefrom as if the whole of such examination had been therein stated.

LIV. That every action brought against any person for anything done in pursuance of this Act shall be commenced within three calendar months next after the fact committed; and the defendant or defendants in any such action may plead the gene-

ral issue, and give this Act and the special matter in evidence at the trial, and that the same was done by authority of this Act; and if it shall appear so to have been done, or that such action was commenced after the time before limited for bringing the same, the jury shall find for the defendant or defendants; and if there be a verdict for the defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit after appearance thereto, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover double costs.

LV. That it shall be lawful for the Commissioner, as often as he shall think fit, by writing under his hand, to appoint one or more person or persons assignee or assignees of the bankrupt's real and personal estate, or of any part thereof; which assignee or assignees shall or may be removed at the meeting of the creditors for the choice of assignees, if they shall think fit; and such assignee or assignees so removed shall deliver up all the chattels and effects of the bankrupt come to his or their possession, to the assignees so chosen as hereinafter mentioned; and if such first assignee or assignees shall not within ten days after notice given of the said choice of assignees, and of their consent to act as such, signified to the first assignee or assignees by writing under the hands of such assignees so chosen by the creditors, make such delivery as aforesaid, every such assignee shall forfeit 200*l*.

LVII. That at the two or more sittings appointed by the Commissioner as aforesaid, and at every other sitting or meeting by him appointed for proof of debts (whereof, and of the purport whereof, ten days notice shall have been given in the *Dublin Gazette*), every creditor of the bankrupt may prove his debt by his own oath; and all bodies politic and public companies incorporated, or authorized to sue or bring actions, either by charter or act of parliament, may prove by an agent, provided such agent shall in his deposition swear that he is such agent as aforesaid, and that he is authorized to make such proof; and if any creditor shall live remote from Dublin he may prove by affidavit sworn before a Master in Chancery, Ordinary or Extraordinary, or if such creditor shall live out of Ireland by affidavit sworn before a Magistrate where such creditor shall be residing, and attested by a notary public, British Minister or Consul; and no creditor shall pay any contribution on account of any such debt; provided that it shall be lawful for the said Commissioner to examine upon oath, either by word of mouth or by interrogatories in writing, every person claiming to prove a debt under the said commission, or to require such further proof, and to examine such other persons in relation thereto, as he shall think fit.

LVIII. That it shall be lawful for the Lord Chancellor, whenever it shall be made appear to him, upon affidavit or any other sufficient document, expedient so to do, to direct an extraordinary commission to issue, upon such terms as he shall think proper, for proof of debts, for the examination of witnesses, or any other purpose relating to any proceeding in bankruptcy; and the Commissioner in every such commission shall, upon taking the oath hereinbefore prescribed for the Commissioner to be appointed under this Act, possess the same powers to compel the attendance of witnesses, and to examine them, and to enforce obedience to such examination, and the production of books, deeds, papers, writings, and other documents, as the Commissioner appointed under this Act, and such fees shall be paid on the proceedings before him as the Lord Chancellor shall direct, and he shall receive out of the funds in the bankruptcy or out of such fees, or both, such remuneration as the Lord Chancellor shall direct: Provided always, that the examination of witnesses under such commission shall be taken down in writing, and shall be returned to the Commissioner appointed under this Act.

LVIII. That every person with whom any bankrupt shall have really and *bond fide* contracted any debt or demand before the issuing the commission against him shall, notwithstanding any prior act of bankruptcy committed by such bankrupt, be admitted to prove the same, and be a creditor under such commission, as if no such act of bankruptcy had been committed, provided such person had not at the time the same was contracted, notice of any act of bankruptcy by such bankrupt committed.

LIX. That when any bankrupt shall have been indebted at the time of issuing the commission against him to any servant or clerk of such bankrupt, in respect of the wages or salary of such servant or clerk, it shall be lawful for the Commissioner, upon proof thereof, to order so much as shall be so due as aforesaid, not exceeding six months' wages or salary, to be paid to such servant or clerk out of the estate of such bankrupt, and such servant or clerk shall be at liberty to prove under the commission for any sum exceeding such last-mentioned amount.

LX. That where any person shall be an apprentice to a bankrupt at the time of issuing of the commission against him, the issuing of such commission shall be and enure as a complete discharge of the indenture or indentures whereby such apprentice was bound to such bankrupt; and if any sum shall have been really and *bond fide* paid by or on the behalf of such apprentice to the bankrupt as an apprentice fee, it shall be lawful for the Commissioner, upon proof thereof, to order any sum to be paid to or for the use of such apprentice which he shall think reasonable, regard being had in estimating such sum to the amount of the sum so paid by or on behalf of such apprentice to the bankrupt, and to the time during which such apprentice shall have resided with the bankrupt previous to the issuing of the commission.

LXI. That where there has been mutual credit given by the bankrupt and any other person, and where there are mutual debts between the bankrupt and any other person, the Commissioners shall state the account between them, and one debt or demand may be set against another, notwithstanding any prior act of bankruptcy committed by such bankrupt before the credit given to or the debt contracted by him, and what shall appear due on either side on the balance of such account, and so more, shall be claimed or paid on either side respectively; and every debt or demand hereby made provable against the estate of the bankrupt may also be set off in manner aforesaid against such estate, provided that the person claiming the benefit of such set-off had not when such credit was given notice of an act of bankruptcy by such bankrupt committed.

LXII. That any person who shall have given credit to the bankrupt upon valuable consideration for any money or other matter or thing whatsoever which shall not have become payable when such bankrupt committed an act of bankruptcy, and whether such credit shall have been given upon any bill, bond, note, or other negotiable security, or not, shall be entitled to prove such debt, bill, bond, note, or other security as if the same was payable presently, and receive dividends equally with the other creditors, deducting only thereout a rebate of interest for what he shall so receive at the rate of 6*l*. per cent., to be computed from the declaration of a dividend to the time such debt would have become payable according to the terms upon which it was contracted.

LXII. That any person who at the issuing the commission shall be surety or liable for any debt of the bankrupt, or bail for the bankrupt, either to the sheriff or to the action, if he shall have paid the debt, or any part thereof in discharge of the whole debt, (although he may have paid the same after the commission issued,) if the creditor shall have proved his debt under the commission shall be entitled to stand in the place of such creditor as to the dividends and all other rights under the commission which such creditor possessed or would be entitled to in respect of such proof; or if the creditor shall not have proved under the commission, such surety, or person liable, or bail, shall be entitled to prove his demand in respect of such payment as a debt under the commission, not disturbing the former dividends, and may receive dividends with the other creditors, although he may have become surety, liable, or bail as aforesaid, after an act of bankruptcy committed by such bankrupt; provided that such person had not when he became such surety or bail, or so liable as aforesaid, notice of any act of bankruptcy by such bankrupt committed.

LXIV. That the obligee in any bottomry or respondentia bond, and the assured in any policy of insurance made upon good and valuable consideration, shall be admitted to claim, and, after the loss or contingency shall have happened, to prove, his debt or demand in respect thereof, and receive dividends with the other creditors as if the loss or contingency had happened before the issuing the commission against such obligor or insurer; and that the person effecting any policy of insurance upon ships or goods with any person, as a subscriber or underwriter, becoming bankrupt, shall be entitled to prove any loss to which such bankrupt shall be liable in respect of such subscription, although the person so effecting such policy was not beneficially interested in such ships or goods, in case the person or persons so interested is not or are not within the united realm.

LXV. That any annuity creditor of any bankrupt, by whatever assurance the same be secured, and whether there were or not any arrears of such annuity due at the bankruptcy, shall be entitled to prove for the value of such annuity, which value the Commissioner shall ascertain, regard being had to the original price given for the said annuity, deducting therefrom such diminution in the value thereof as shall have been caused by the lapse of time since the grant thereof to the date of the commission.

LXVI. That it shall not be lawful for any person entitled to any annuity granted by any bankrupt to sue any person who may be collateral surety for the payment of such annuity, until such annuitant shall have proved under the commission against such bankrupt for the value of such annuity, and for the payment thereof; and if such surety, after such proof, pay the amount proved as aforesaid, he shall be thereby discharged from all claims in respect of such annuity; and if such surety shall not (before any payment of the said annuity subsequent to the bankruptcy shall have become due) pay the sum so proved as aforesaid, he may be sued for the accruing payments of such annuity until such annuitant shall have been paid or satisfied the amount so proved, with interest thereon at the rate of 5% per cent. per annum from the time of notice of such proof and of the amount thereof being given to such surety; and after such payment or satisfaction such surety shall stand in the place of such annuitant in respect of such proof as aforesaid to the amount so paid or satisfied as aforesaid by such surety; and the certificate of the bankrupt shall be a discharge to him from all claims of such annuitant or of such surety in respect of such annuity; provided that such surety shall be entitled to credit in account with such annuitant for any dividends received by such annuitant under the commission before such surety shall have fully paid or satisfied the amount so proved as aforesaid.

LXVII. That if any bankrupt shall before the issuing of the commission have contracted any debt payable upon a contingency which shall not have happened before the issuing of such commission, the person with whom such debt has been contracted may, if he think fit, apply to the Commissioner to set a value upon such debt, and the Commissioner is hereby required to ascertain the value thereof, and to admit such person to prove the amount so ascertained, and to receive dividends thereon; or if such value shall not be so ascertained before the contingency shall have happened, then such person may, after such contingency shall have happened, prove in respect of such debt, and receive a dividend with the other creditors, not disturbing any former dividends, provided such person had not when such debt was contracted notice of any act of bankruptcy by such bankrupt committed.

LXVIII. That in all future commissions against any person or persons liable upon any bill of exchange or promissory note whereupon interest is not reserved, overdue at the issuing the commission, the holder of such bill of exchange or promissory note shall be entitled to prove for the legal interest upon the same, to be calculated by the Commissioner, to the date of the commission.

LXIX. That if any person shall have obtained any judgment, decree, or order, in any action at law or cause or matter in equity, against any party who shall thereafter become bankrupt, for any debt or demand in respect of which such person shall prove under the commission, such person shall also be entitled to prove for the costs which he shall have incurred in obtaining the same, although such costs shall not have been taxed at the time of the bankruptcy.

LXX. That no creditor who has brought any action or instituted any suit against any bankrupt in respect of a demand prior to the bankruptcy, or which might have been proved as a debt under the commission against such bankrupt, shall prove a debt under such commission, or have any claim entered upon the proceedings under such commission, without relinquishing such action or suit; and in case such bankrupt shall be in prison or custody at the suit of or detained by such creditor he shall not prove or claim as aforesaid without giving a sufficient authority in writing for the discharge of such bankrupt; and the proving or claiming a debt under a commission by any creditor shall be deemed an election by such creditor to take the benefit of such commission with respect to the debt so proved or claimed; provided that such creditor shall not be liable to the payment to such bankrupt or his assignees of the costs of such action or suit so relinquished by him, and that where any such creditor shall have brought any action or suit against such bankrupt jointly with any other person or persons his relinquishing such action or suit against the bankrupt shall not affect such action or suit against such other person or persons: Provided also, that any creditor who shall have so elected to prove or claim as aforesaid, if the commission be afterwards superseded, may proceed in the action as if he had not so elected, and in bailable actions shall be at liberty to arrest the defendant *de novo* if he has not put in bail below or perfected bail above, or, if the defendant has put in or perfected such bail, to have recourse against such bail, by requiring the bail below to put in and perfect bail above within the first eight days in term after notice in the *Dublin Gazette* of the superseding such commission, and by suing the bail upon their recognizance if the condition thereof is broken.

or person so agreeing as aforesaid, or any person entitled under such lessor or person so agreeing, shall be entitled to apply by petition to the Lord Chancellor, who may order them so to elect, and deliver up such lease or agreement, in case they shall decline the same, and the possession of the premises, or may make such other order therein as he shall think fit.

XC. That if any bankrupt shall have entered into any agreement for the purchase of any estate or interest in land, the vendor thereof, or any person claiming under him, if the assignees of such bankrupt shall not (upon being thereto required) elect whether they will abide by and execute such agreement or abandon the same, shall be entitled to apply by petition to the Lord Chancellor, who may thereupon order them to deliver up the said agreement and the possession of the premises to the vendor or person claiming under him, or may make such other order therein as he shall think fit.

XCi. That all powers vested in any bankrupt which he might legally execute for his own benefit (except the right of nomination to any vacant ecclesiastical benefice) may be executed by the assignees, for the benefit of the creditors, in such manner as the bankrupt might have executed the same.

XCii. That it shall be lawful for the Lord Chancellor, upon the petition of the assignees, or of any purchaser from them of any part of the bankrupt's estate, if such bankrupt shall not try the validity of the commission, or if there shall have been a verdict at law establishing its validity, to order the bankrupt to join in any conveyance of such estate or any part thereof, and if he shall not execute such conveyance within the time directed by the order, such bankrupt, and all persons claiming under him, shall be stopped from objecting to the validity of such conveyance, and all estate, right, or title which such bankrupt had therein shall be as effectually barred by such order as if such conveyance had been executed by him.

XCiii. That if any bankrupt shall as trustee be seised, possessed of, or entitled to, either alone or jointly, any real or personal estate, or any interest secured upon or arising out of the same, or shall have standing in his name as trustee, either alone or jointly, any government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the petition of the person or persons entitled in possession to the receipt of the rents, issues, and profits, dividends, interest, or produce thereof, on due notice given to all other persons (if any) interested therein, to order the assignees, and all persons whose act or consent thereto is necessary, to convey, assign, or transfer the said estate, interest, stock, funds, or annuities to such person or persons as the Lord Chancellor shall think fit, upon the same trusts as the same estate, interest, stock, funds, or annuities were subject to before the bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the rents, issues, and profits, dividends, interest, or produce thereof, as the Lord Chancellor shall direct.

XCiv. That if any such bankrupt shall have any government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his name in his own right, it shall be lawful for the Commissioner, by writing under his hand, to order all persons whose act or consent is thereto necessary to transfer the same into the name of the assignees, and to pay all dividends upon the same to such assignees; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

XCv. That all conveyances by, and all contracts and other dealings and transactions by and with, any bankrupt, *bond fide* made and entered into more than two calendar months before the date and issuing of the commission against him, and all executions and attachments against the lands and tenements or goods and chattels of such bankrupt, *bond fide* executed or levied more than two calendar months before the issuing of such commission, shall be valid, notwithstanding any prior act of bankruptcy by him committed, provided the person or persons so dealing with such bankrupt, or at whose suit or on whose account such execution or attachment shall have issued, had not at the time of such conveyance, contract, dealing, or transaction, or at the time of executing or levying such execution or attachment, notice of any prior act of bankruptcy by him committed: Provided also, that where a commission has been superseded, if any other commission shall issue against any person or persons comprised in such first commission within two calendar months next after it shall have been superseded, no such conveyance, contract, dealing, or transaction, execution or attachment, shall be valid, unless made, entered into, executed, or levied more than two calendar months before the issuing the first commission.

XCvi. That all payments really and *bond fide* made or which shall hereafter be made by any bankrupt, or by any person on his behalf, before the date and issuing of the commission against such bankrupt, to any creditor of such bankrupt (such payment not being a fraudulent preference of such creditor), shall be deemed valid, notwithstanding any prior act of bankruptcy by such bankrupt committed; and all payments really and *bond fide* made or which shall hereafter be made to any bankrupt before the date and issuing of the commission against such bankrupt shall be deemed valid, notwithstanding any prior act of bankruptcy by such bankrupt committed, and such creditor shall not be liable to refund the same to the assignees of such bankrupt, provided the person so dealing with the said bankrupt had not at the time of such payment by or to such bankrupt notice of any act of bankruptcy by such bankrupt committed.

XCvii. That the issuing of a commission shall be deemed notice of a prior act of bankruptcy (if an act of bankruptcy had been actually committed before the issuing the commission), if the adjudication of the bankruptcy of the person or persons against whom such commission has issued shall have been notified in the *Dublin Gazette*, and the person or persons to be affected by such notice may reasonably be presumed to have seen the same.

XCviii. That no person or body corporate or public company, having in his or their possession or custody any money, goods, wares, merchandizes, or effects belonging to any bankrupt, shall be endangered by reason of the payment or delivery thereof to the bankrupt or his order, provided such person or body corporate or company had not at the time of such delivery or payment notice that such bankrupt had committed an act of bankruptcy.

XCix. That if any accredited agent of any body corporate or public company shall have had notice of any act of bankruptcy, such body corporate or company shall be thereby deemed to have had such notice.

c. That no purchase from any bankrupt *bond fide* and for valuable consideration, where the purchaser had notice at the time

elsewhere, whereof the bankrupt is seised of any estate tail in possession, reversion, or remainder, and whereof no reversion or remainder is in the Crown, the gift or provision of the Crown; and every such deed shall be good against the said bankrupt and the issue of his body, and against all persons claiming under him after he became bankrupt, and against all persons whom the said bankrupt, by virtue of the provisions of any Act now in force for the abolition of fines and recoveries, and substituting other assurances in lieu thereof, or any other means, might cut off or debar from any remainder, reversion, or other interest in or out of any of the said lands, tenements, and hereditaments.

LXXX. That in case of the removal of any assignee or assignees the Commissioner shall, in the two Dublin Gazettes next after the removal of such assignee or assignees, cause advertisements to be inserted giving notice of such removal, and directing persons indebted to the bankrupt's estate not to pay any debt to the assignee or assignees so removed.

LXXXI. That whenever an assignee shall die, or a new assignee or assignees shall be appointed or chosen as aforesaid, no action at law or suit in equity shall be thereby abated, but the Court in which any action or suit shall be depending may, upon the suggestion of such death or removal, and new appointment or choice, allow the name or names of the surviving or new assignee or assignees to be substituted in the place of the former; and such action or suit shall be prosecuted in the name or names of the said surviving or new assignee or assignees in the same manner as if he or they had originally commenced the same.

LXXXII. That the Commissioner shall have power, by deed indented, and enrolled as aforesaid, to make sale, for the benefit of the creditors, of any copyhold or customaryhold lands of the bankrupt, either in England, Scotland, or elsewhere, or of any interest to which any bankrupt is entitled therein, and thereby to entitle or authorize any person or persons on his behalf to surrender the same for the purpose of any purchaser or purchasers being admitted thereto.

LXXXIII. That every person to whom any sale of copyhold or customary lands or tenements shall be made by the Commissioner shall, before he enter into or take any profit of the same, agree and compound with the lords of the manors of whom the same shall be holden for such fines, dues, and other services as heretofore have been usually paid for the same, and thereupon the said lord shall, at the next or any subsequent court to be holden for the said manors, grant unto such vendee, upon request, the said copyhold or customary lands or tenements for such estate or interest as shall have been so sold to him as aforesaid, reserving the ancient rents, customs, and services, and shall admit him tenant of the same.

LXXXIV. That if any bankrupt shall have granted, conveyed, assured, or pledged any real or personal estate, or deposited any deed, such grant, conveyance, assurance, pledge, or deposit, being upon condition or power of redemption at a future day, by payment of money or otherwise, the assignees may, before the time of the performance of such condition, make tender or payment of money, or other performance, according to such condition, as fully as the bankrupt might have done; and after such tender, payment, or performance may sell and dispose of such real or personal estate for the benefit of the creditors as aforesaid.

LXXXV. That if any real or personal estate or debts of any bankrupt be extended, after he shall have become bankrupt, by any person, under pretence of his being an accountant of or debtor to the King, the Commissioner may examine upon oath whether the said debt was due to such debtor or accountant upon any contract originally made between such accountant and the bankrupt; and if such contract was originally made with any other person than the said debtor or accountant, or in trust for any other person or persons, the Commissioner may sell and dispose of such real and personal estate or debts for the benefit of the creditors under the commission; and such sale shall be valid against the said extent, and all persons claiming under it; and any person to whom the said real and personal estate or debts shall be bargained and sold, granted or assigned, by the Commissioner, shall have and may recover the same against any person who shall detain the same.

LXXXVI. That if any trader at the time he becomes bankrupt shall, by the consent and permission of the true owner thereof, have in his possession, order, or disposition any goods or chattels whereof he was reputed owner, or whereof he had taken upon him the sale, alteration, or disposition as owner, the Commissioner shall have power to sell and dispose of the same for the benefit of the creditors under the commission; provided that nothing herein contained shall invalidate or affect any transfer or assignment of any ship or vessel, or any share thereof, made as a security for any debt or debts, either by way of mortgage or assignment, duly registered according to the provisions of an Act, 4 Geo. 4. c. 41, intituled, 'An Act for the registering of Vessels.'

LXXXVII. That if any bankrupt, being at the time insolvent, shall (except upon the marriage of any of his children, or for some valuable consideration,) have conveyed, assigned, or transferred to any of his children or any other person, any hereditaments, offices, fees, annuities, leases, goods, or chattels, or have delivered or made over to any such person any bills, bonds, notes, or other securities, or have transferred his debts to any other person or persons, or into any other person's name, the Commissioner shall have power to sell and dispose of the same as aforesaid; and every such sale shall be valid against the bankrupt and such children and persons as aforesaid, and against all persons claiming under him.

LXXXVIII. That no distress for rent made and levied after an act of bankruptcy upon the goods or effects of any bankrupt (whether before or after the issuing of the commission) shall be available for more than one year's rent accrued prior to the date of the commission, but the landlord or party to whom the rent shall be due shall be allowed to come in as a creditor under the commission for the overplus of the rent due, and for which the distress shall not be available.

LXXXIX. That any bankrupt entitled to any lease or agreement for a lease, if the assignees accept the same, shall not be liable to pay any rent accruing after the date of the commission, or to be sued in respect of any subsequent non-observance or non-performance of the conditions, covenants, or agreements therein contained, and, if the assignees decline the same, shall not be liable as aforesaid in case he deliver up such lease or agreement to the lessor or such person agreeing to grant a lease within fourteen days after he shall have had notice that the assignees shall have declined as aforesaid; and if the assignees shall not (upon being thereto required) elect whether they will accept or decline such lease or agreement for a lease, the lessor

or person so agreeing as aforesaid, or any person entitled under such lessor or person so agreeing, shall be entitled to apply by petition to the Lord Chancellor, who may order them so to elect, and deliver up such lease or agreement, in case they shall decline the same, and the possession of the premises, or may make such other order therein as he shall think fit.

XC. That if any bankrupt shall have entered into any agreement for the purchase of any estate or interest in land, the vendor thereof, or any person claiming under him, if the assignees of such bankrupt shall not (upon being thereto required) elect whether they will abide by and execute such agreement or abandon the same, shall be entitled to apply by petition to the Lord Chancellor, who may thereupon order them to deliver up the said agreement and the possession of the premises to the vendor or person claiming under him, or may make such other order therein as he shall think fit.

XCi. That all powers vested in any bankrupt which he might legally execute for his own benefit (except the right of nomination to any vacant ecclesiastical benefice) may be executed by the assignees, for the benefit of the creditors, in such manner as the bankrupt might have executed the same.

XCII. That it shall be lawful for the Lord Chancellor, upon the petition of the assignees, or of any purchaser from them of any part of the bankrupt's estate, if such bankrupt shall not try the validity of the commission, or if there shall have been a verdict at law establishing its validity, to order the bankrupt to join in any conveyance of such estate or any part thereof, and if he shall not execute such conveyance within the time directed by the order, such bankrupt, and all persons claiming under him, shall be stopped from objecting to the validity of such conveyance, and all estate, right, or title which such bankrupt had therein shall be as effectually barred by such order as if such conveyance had been executed by him.

XCIII. That if any bankrupt shall as trustee be seised, possessed of, or entitled to, either alone or jointly, any real or personal estate, or any interest secured upon or arising out of the same, or shall have standing in his name as trustee, either alone or jointly, any government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the petition of the person or persons entitled in possession to the receipt of the rents, issues, and profits, dividends, interest, or produce thereof, on due notice given to all other persons (if any) interested therein, to order the assignees, and all persons whose act or consent thereto is necessary, to convey, assign, or transfer the said estate, interest, stock, funds, or annuities to such person or persons as the Lord Chancellor shall think fit, upon the same trusts as the same estate, interest, stock, funds, or annuities were subject to before the bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the rents, issues, and profits, dividends, interest, or produce thereof, as the Lord Chancellor shall direct.

XCIV. That if any such bankrupt shall have any government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his name in his own right, it shall be lawful for the Commissioner, by writing under his hand, to order all persons whose act or consent is thereto necessary to transfer the same into the name of the assignees, and to pay all dividends upon the same to such assignees; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

XCV. That all conveyances by, and all contracts and other dealings and transactions by and with, any bankrupt, *bond fide* made and entered into more than two calendar months before the date and issuing of the commission against him, and all executions and attachments against the lands and tenements or goods and chattels of such bankrupt, *bond fide* executed or levied more than two calendar months before the issuing of such commission, shall be valid, notwithstanding any prior act of bankruptcy by him committed, provided the person or persons so dealing with such bankrupt, or at whose suit or on whose account such execution or attachment shall have issued, had not at the time of such conveyance, contract, dealing, or transaction, or at the time of executing or levying such execution or attachment, notice of any prior act of bankruptcy by him committed: Provided also, that where a commission has been superseded, if any other commission shall issue against any person or persons comprised in such first commission within two calendar months next after it shall have been superseded, no such conveyance, contract, dealing, or transaction, execution or attachment, shall be valid, unless made, entered into, executed, or levied more than two calendar months before the issuing the first commission.

XCVI. That all payments really and *bond fide* made or which shall hereafter be made by any bankrupt, or by any person on his behalf, before the date and issuing of the commission against such bankrupt, to any creditor of such bankrupt (such payment not being a fraudulent preference of such creditor), shall be deemed valid, notwithstanding any prior act of bankruptcy by such bankrupt committed; and all payments really and *bond fide* made or which shall hereafter be made to any bankrupt before the date and issuing of the commission against such bankrupt shall be deemed valid, notwithstanding any prior act of bankruptcy by such bankrupt committed, and such creditor shall not be liable to refund the same to the assignees of such bankrupt, provided the person so dealing with the said bankrupt had not at the time of such payment by or to such bankrupt notice of any act of bankruptcy by such bankrupt committed.

XCVII. That the issuing of a commission shall be deemed notice of a prior act of bankruptcy (if an act of bankruptcy had been actually committed before the issuing the commission), if the adjudication of the bankruptcy of the person or persons against whom such commission has issued shall have been notified in the *Dublin Gazette*, and the person or persons to be affected by such notice may reasonably be presumed to have seen the same.

XCVIII. That no person or body corporate or public company, having in his or their possession or custody any money, goods, wares, merchandizes, or effects belonging to any bankrupt, shall be endangered by reason of the payment or delivery thereof to the bankrupt or his order, provided such person or body corporate or company had not at the time of such delivery or payment notice that such bankrupt had committed an act of bankruptcy.

XCIX. That if any accredited agent of any body corporate or public company shall have had notice of any act of bankruptcy, such body corporate or company shall be thereby deemed to have had such notice.

C. That no purchase from any bankrupt *bond fide* and for valuable consideration, where the purchaser had notice at the time

of such purchase of an act of bankruptcy by such bankrupt committed, shall be impeached by reason thereof, unless the commission against such bankrupt shall have been sued out within twelve calendar months after such act of bankruptcy.

cr. That no title to any real or personal estate sold under any commission or under any order in bankruptcy shall be impeached by the bankrupt, or any person claiming under him, in respect of any defect in the suing out of the commission, or in any of the proceedings under the same, unless the bankrupt shall have commenced proceedings to supersede the said commission, and duly prosecuted the same, within twelve calendar months from the issuing thereof.

cii. That the assignees, with the consent of the major part in value of the creditors who shall have proved under the commission, present at any meeting, whereof, and of the purport whereof, twenty-one days notice shall have been given in the *Dublin Gazette*, may compound with any debtor to the bankrupt's estate, and take any reasonable part of the debt in discharge of the whole, or may give time or take security for the payment of such debt, or may submit any dispute between such assignees and any persons concerning any matter relating to such bankrupt's estate to the determination of arbitrators, to be chosen by the assignees and the major part in value of such creditors, and the party with whom they shall have such dispute; and the award of such arbitrators shall be binding on all the creditors; and the assignees are hereby indemnified for what they shall do according to the directions aforesaid; and no suit in equity shall be commenced by the assignees without such consent as aforesaid; provided that if one-third in value or upwards of such creditors shall not attend at any such meeting (whereof such notice shall have been given as aforesaid) the assignees shall have power, with the consent of the Commissioner, testified in writing under his hand, to do any of the matters aforesaid.

ciii. That in any commission against any one or more member or members of a firm the Lord Chancellor may, upon petition, authorize the assignees to commence or prosecute any action at law or suit in equity in the names of such assignees and of the remaining partner or partners against any debtor of the partnership, and thereupon such assignees may obtain such judgment, decree, or order therein as if such action or suit had been instituted with the consent of such partner or partners; and if such partner or partners shall execute any release of the debt or demand for which such action or suit is instituted such release shall be void; provided that every such partner, if no benefit is claimed by him by virtue of the said proceedings, shall be indemnified against the payment of any costs in respect of such action or suit; and that it shall be lawful for the Lord Chancellor, upon the petition of such partner, to direct that he may receive so much of the proceeds of such action or suit as the Lord Chancellor shall think fit.

civ. That in any action by or against any assignee, or in any action against any person acting under the warrant of the Commissioner for anything done under such warrant, no proof shall be required at the trial of the petitioning creditor's debt or debts, or of the trading, or act or acts of bankruptcy respectively, unless the other party in such action shall, if defendant, at or before the time of pleading, and, if plaintiff, before issue joined, give notice in writing to such assignee or other person that he intends to dispute some and which of such matters; and in case such notice shall have been given, if such assignee or other person shall prove the matter so disputed, or the other party admit the same, the Judge before whom the cause shall be tried may (if he think fit) grant a certificate of such proof or admission; and such assignee or other person shall be entitled to the costs, to be taxed by the proper officer, occasioned by such notice; and such costs shall, if such assignee or other person shall obtain a verdict, be added to his costs, and if the other party shall obtain a verdict shall be deducted from the costs which such other party would otherwise be entitled to receive from such assignee or other person.

cv. That in all suits in equity by or against the assignee no proof shall be required at the hearing of the petitioning creditor's debt or debts, or of the trading, or of the act or acts of bankruptcy respectively, as against any of the parties in such suit, except such parties as shall within ten days after issue joined give notice in writing to the assignees of his or their intention to dispute some and which of such matters; and where such notice shall have been given, if the assignees shall prove the matter so disputed, the costs occasioned by such notice, to be taxed by the proper officers, shall, if the Court see fit, be paid by the party or parties so giving such notice as aforesaid; and the service of such notice may be proved by affidavit upon the hearing of the cause.

cvi. That if the bankrupt shall not, if he was within the United Kingdom at the issuing of the commission, within two months after the adjudication, or, if he was out of the United Kingdom, within twelve calendar months after the adjudication, have given notice of his intention to dispute the commission, and have proceeded therein with due diligence, the depositions taken before the Commissioner at the time of or previous to the adjudication of bankruptcy, of the petitioning creditor's debt or debts, and of the trading, and act or acts of bankruptcy, shall be conclusive evidence of the matters and things therein respectively contained, so far as relates to the sufficiency of the petitioning creditor's debt or debts, trading, and act or acts of bankruptcy, in all suits at law or in equity brought by the assignees for any debt or demand for which the bankrupt might have sustained any action or suit.

cvi. That if the assignees commence any action or suit for any money so due to the bankrupt before the time allowed as aforesaid for him to dispute the commission shall have elapsed, any defendant in any such action or suit shall be entitled, after notice given to the assignees, to pay the same or any part thereof into the court in which such action or suit is brought, and all proceedings with respect to the money so paid into court shall thereupon be stayed, and after the time aforesaid shall have elapsed the assignees shall have the same paid to them out of court.

cvi. That all persons from whom the assignees shall have recovered any real or personal estate, either by judgment or decree, are hereby discharged, in case the commission be afterwards superseded, from all demands which may thereafter be made in respect of the same by the person or persons against whom such commission issued, and all persons claiming under him or them; and all persons who shall, without action or suit, *bona fide* deliver up possession of any real or personal estate to the assignees, or pay any debt claimed by them, are hereby discharged from all claim of any such person or persons as aforesaid in respect of the same, or any person claiming under him or them, provided such notice to try the validity of the commission had not been given and proceeded in within the time and in manner aforesaid.

cx. That all things done pursuant to the Act, 11 & 12 Geo. 3, and hereby repealed, whereby it was enacted that the Lord Chancellor should appoint a place where all matters relating to commissions of bankruptcy should be entered of record, and

should appoint a person to have the custody thereof, be hereby confirmed; and the person appointed by virtue of the said Act, 11 & 12 Geo. 3. shall, by himself or his deputy, to be approved of by the Lord Chancellor, enter of record all matters relating to commissions of bankruptcy, and have the custody of the entries thereof; and he and his deputy, and their successors, who shall be from time to time appointed by the Lord Chancellor as a vacancy shall arise, shall continue in their respective offices so long as they shall respectively behave themselves well, and shall not be removed, except by order in writing under the hand of the Lord Chancellor, on sufficient cause therein specified; and that all commissions of bankruptcy issued before this Act shall take effect, and all depositions and other proceedings relating to such commissions directed to be enrolled and actually entered of record before this Act shall take effect, shall be deemed and taken to have been well and effectually entered of record; and the certificate of such entry, purporting to be signed by the person appointed to enter such proceedings, or by his deputy, shall be received in evidence, without proof of the appointment or handwriting of such person.

cx. That the person so appointed by virtue of the said recited Act, 11 & 12 Geo. 3. and his successors, shall have the custody and care of all the said records, and of all other records to be entered in pursuance of this Act; and shall, by himself or his deputy, enter of record all matters and proceedings in bankruptcy which by this Act, or any order made in pursuance of it, are or may be directed or required to be entered of record upon payment of such fees as before the passing of this Act he was entitled to receive for the like business.

cxI. That after this Act shall take effect no commission of bankruptcy, adjudication of bankruptcy, certificate of the appointment or choice of assignees, or certificate of conformity, shall be received as evidence in any court of law or equity, unless the same shall have been so entered of record as aforesaid; and every such instrument shall be so entered of record, and the certificate of such entry indorsed thereon, upon the application or behalf of any party interested therein, and on payment of such fees as before the passing of this Act were by law payable for the like business, without any petition or writing presented for that purpose; and the Lord Chancellor may, upon petition, direct any depositions, proceedings, or other matters relating to commissions of bankruptcy to be entered of record as aforesaid, on the payment of such fees as before the passing of this Act were by law payable for the like business; and all persons shall be at liberty to search for any of the matters so entered of record as aforesaid; provided that on the production in evidence of any instrument so directed to be entered of record, having the certificate thereon purporting to be signed by the person so appointed as aforesaid, or his deputy, or their successors, the same shall, without any proof of such signature, be received as evidence of such instrument having been so entered of record as aforesaid; and the fee of 1s. and no more shall be payable to the person so appointed as aforesaid, and his successors, for every search made for matter so entered of record as aforesaid.

cxII. That in every action, suit, or issue office copies of any original instrument or writing filed in the office or officially in the possession of the Lord Chancellor's Secretary of Bankrupts shall be evidence to be received of every such original instrument or writing respectively; and if any such original instrument or writing shall be produced on any trial the costs of producing the same shall not be allowed on taxation, unless it appears that the production of such original instrument or other writing was necessary.

cxIII. That in the event of the death of any of the witnesses deposing to the petitioning creditor's debt, trading, or act of bankruptcy, under any commission heretofore issued or heretofore to be issued, the depositions of such witnesses, or a copy thereof, duly authenticated according to the provisions of the said recited Acts or of this Act, shall be evidence of the matters and things therein respectively contained, so far as relates to the sufficiency of the petitioning creditor's debt, trading, and act of bankruptcy, in all proceedings at law or in equity, as fully and effectually as if the said matters and things had been deposed to by the same witnesses if living.

cxIV. Provided, that upon the production in evidence of any commission, adjudication, certificate of appointment or choice of assignees, certificate of conformity, deposition, or other proceeding in bankruptcy, purporting to be signed and sealed by the said Commissioner, or of any writing purporting to be a copy of any such document, and purporting to be signed and sealed as aforesaid, the same shall be received as evidence of such documents respectively, and of the same having been so entered of record as aforesaid without any further proof thereof; Provided nevertheless, that all commissions, and proceedings under the same which may have been entered of record before the passing of this Act, shall and may, upon the production thereof, with the certificate thereon purporting to be signed by the person so appointed to enter proceedings in bankruptcy, or by his deputy, be received as evidence of the same having been duly entered of record; anything herein contained to the contrary notwithstanding.

After reciting that great difficulty has arisen to the assignees of bankrupts in the recovery of small debts;—

It is Enacted,

cxv. That in all cases where the debt sought to be recovered by the assignees shall not exceed 20*l.* the certificate of the appointment or choice of assignees, entered of record as aforesaid, or a copy thereof signed and sealed as aforesaid, shall be conclusive evidence of the issuing the commission, and of the person named in such certificate being a bankrupt, and of the appointment or choice of such assignees.

cxvi. That after this Act shall have come into effect all commissions of bankrupt, and also all deeds, conveyances, assignments, surrenders, admissions, and other assurances of or to or relating solely to any freehold, leasehold, copyhold, or customary messuages, lands, or tenements or any mortgage, charge, or other incumbrance upon, or any estate, right, or interest of and in any messuages, lands, tenements, or personal estate, being the estate of or belonging to any bankrupt or bankrupts, or part or parcel thereof, and which after the execution of such deeds, conveyances, assignments, surrenders, or assurances respectively shall, either at law or in equity, be or remain the estate and property of such bankrupt or bankrupts, or of the assignee or assignees appointed or chosen by virtue of the commission issued against him or them respectively, and also all powers of attorney, writs of supersedeas and procedendo, certificates of conformity, affidavits, and all other instruments and writings whatsoever relating solely to the estate or effects of any bankrupt or bankrupts, or any part thereof, or to any proceedings under any commission, and all advertisements inserted in the *Dublin Gazette* relating solely to matters in bankruptcy, shall not be liable to any stamp duty or any other government duty whatsoever; and all sales of any real or personal estate of any bankrupt or bankrupts shall not be liable to any auction duty.

CXVII. That any bankrupt or other person who shall in any examination before the Commissioner, or in any affidavit or deposition authorized or directed by the present or any Act hereby repealed, wilfully and corruptly swear falsely, being convicted thereof, shall suffer the pains and penalties in force against wilful and corrupt perjury; and where any oath is hereby directed or required to be taken or administered, or affidavit to be made, by or to any party, such party, if a Quaker or Moravian or Separatist, shall or may make solemn affirmation or declaration; and such Quaker, Moravian, or Separatist, as the case may be, shall incur such danger or penalty for refusing to make such solemn affirmation or declaration in such matters, when thereto required, as is hereby provided against persons refusing to be sworn; and all Quakers, Moravians, or Separatists who shall in any such affirmation or declaration knowingly and wilfully affirm or declare falsely shall suffer the same penalties as are provided against persons guilty of wilful and corrupt perjury; and all persons before whom oaths or affidavits are hereby directed to be made are respectively empowered to administer the same, and also such solemn affirmation or declaration as aforesaid.

CXVIII. That all sums of money forfeited under this Act, or by virtue of any conviction for perjury committed in any oath, affirmation, or declaration hereby directed or authorized, may be sued for by the assignees in any of His Majesty's courts of record; and the money so recovered (the charges of suit being deducted) shall be divided among the creditors, who shall not by reason thereof be incompetent witnesses in any proceedings for the recovery of such penalties.

CXIX. That the assignees shall keep an account wherein they shall enter all property of the bankrupt received by or vested in them, and all payments made by them, or by order of the Commissioner, on account of the bankrupt's estate, which account every creditor who shall have proved may inspect at all reasonable times; and it shall be lawful for the Commissioner at all times, by writing under his hand, to summon the assignees before him, and require them to produce all books, papers, deeds, writings, and other documents relating to the bankruptcy in their possession; and if such assignees so summoned shall not come before the Commissioner at the time appointed (having no impediment made known to the Commissioner at the time of his sitting, and allowed by him,) it shall be lawful for the said Commissioner, by warrant under his hand and seal, directed to such person as he shall think fit, to cause such assignees to be brought before him; and upon their refusing to produce such books, deeds, writings, papers, or documents as aforesaid, it shall be lawful for the said Commissioner to commit the party so refusing to such prison as he shall think fit, there to remain, without bail, until such party shall submit himself to the said Commissioner.

CXX. That at the meeting of creditors for the choice of assignees the major part in value of such creditors there present may direct how, and with whom, the money received from time to time out of the estate of the bankrupt shall be paid in and remain until it be divided; and if such creditors shall not make such direction as aforesaid, the Commissioner shall, immediately after such choice, and at the same meeting, make such direction; but no money shall be directed to be paid into the hands of the Commissioner, or of the solicitor to the commission, or into any banking house or other house of trade in which any such Commissioner or solicitor, or the assignees of the bankrupt, is or are an acting partner, manager or cashier.

CXXI. That the Commissioner may, as often as it shall appear to him expedient for the bankrupt's estate, direct any money, part of such estate, to be invested in the purchase of Exchequer bills or in the public funds, for the benefit of the creditors, and may direct where and with whom such Exchequer bills shall be kept, and cause such Exchequer bills to be sold when it shall appear to him expedient, and may direct the proceeds thereof to be again laid out in the purchase of Exchequer bills or in the public funds, or to be applied for the benefit of the creditors, subject to the controul of the Lord Chancellor.

CXXII. That if any assignee shall retain in his hands or employ for his own benefit, or knowingly permit any co-assignee so to retain or employ, any sum to the amount of 100*l.* or upwards, part of the estate of the bankrupt, or shall neglect to invest any money in the purchase of Exchequer bills or in the public funds, when so directed as aforesaid, every such assignee shall be charged in his accounts with such sum as shall be equal to interest at the rate of 20*l.* per cent. on all such money for the time during which he shall have so retained or employed the same, or permitted the same to be retained or employed as aforesaid, or during which he shall have so neglected to invest the same in the purchase of Exchequer bills or in the public funds; and the Commissioner is hereby required to charge every such assignee in his accounts accordingly.

CXXIII. That if any assignee, indebted to the estate of which he is such assignee in respect of money retained or employed by him for his own benefit, become bankrupt, if he shall obtain his certificate it shall only have the effect of freeing his person from arrest and imprisonment; but his future effects (his tools of trade, necessary household goods, and the necessary wearing apparel of himself, his wife, and children excepted,) shall remain liable for so much of his debts due to the estate of which he was assignee as shall not be paid by dividends under his commission, together with lawful interest for the whole debt.

CXXIV. That the Commissioner shall at the sitting appointed for the last examination of the bankrupt appoint a sitting, not sooner than four calendar months from the issuing of the commission, nor later than six calendar months from the last examination of the bankrupt, whereof, and of the purport whereof, he shall give twenty-one days notice in the *Dublin Gazette*, to audit the accounts of the assignees; and the assignees at such sitting shall deliver upon oath a true statement in writing of all monies received by them respectively, and when and on what account and how the same have been employed; and the Commissioner shall examine such statement, and compare the receipts with the payments, and ascertain what balances have been from time to time in the hands of such assignees respectively, and shall inquire whether any sum appearing to be in their hands ought to be retained; and it shall be lawful for the said Commissioner to examine the said assignees upon oath touching the truth of such accounts; and in such accounts the said assignees shall be allowed to retain all such money as they shall have expended in suing out and prosecuting such commission, and all other just allowances.

CXXV. That the Commissioner shall, not sooner than four nor later than twelve calendar months from the issuing of the commission, appoint a sitting (whereof, and of the purport whereof, he shall give twenty-one days' notice in the *Dublin Gazette*, to make a dividend of the bankrupt's estate, at which sitting all creditors who have not proved their debts shall be entitled to prove the same; and the said Commissioner at such sitting shall order such part of the net produce of the bankrupt's estate as he shall think fit to be forthwith divided amongst such creditors as have proved debts under the commission in proportion to

their respective debts, and shall make an order for a dividend in writing under his hand, and shall cause one part of such order to be filed amongst the proceedings under the commission, and shall deliver another part thereof to the assignees, which order shall contain an account of the time and place of making such order, of the amount of the debts proved, of the money remaining to be divided, of how much in the pound is then ordered to be paid to every creditor, and of the money allowed by the Commissioner to be retained by the assignees, with his reasons for allowing the same to be so retained; and no dividend shall be declared unless the accounts of the assignees shall have been first so audited as aforesaid, and such statement delivered by them upon oath as aforesaid.

CCXVI. That no creditor having security for his debt, or having made any attachment in Dublin or any other place by virtue of any custom there used, of the goods and chattels of the bankrupt, shall receive upon any such security or attachment more than a rateable part of such debt, except in respect of any execution or extent served and levied by seizure upon, or any mortgage of or lien upon any part of the property of such bankrupt before the bankruptcy; provided that no creditor, though for a valuable consideration, who shall sue out execution upon any judgment obtained by default, confession, or *Nil dicit*, shall avail himself of such execution to the prejudice of other fair creditors, but shall be paid rateably with such creditors.

CCXVII. That if the bankrupt's estate shall not have been wholly divided upon the first dividend, the Commissioner shall within eighteen calendar months after the issuing of the commission, appoint a sitting (whereof, and of the purport whereof, he shall give twenty-one days' notice in the *Dublin Gazette*) to make a second dividend of the bankrupt's estate, when all creditors who have not proved their debts may prove the same; and the Commissioner at such meeting, after taking such audit as herein-before directed, shall order the balance to be forthwith divided amongst such of the creditors as shall have proved their debts; and such second dividend shall be final, unless any action at law or suit in equity be depending, or any part of the estate be standing out, not sold or disposed of, or unless some other estate or effects of the bankrupt shall afterwards come to the assignees in which case the same shall be as soon as may be converted into money, and within two calendar months after the same shall be so converted divided in manner aforesaid.

CCXVIII. That if any assignee under any commission of bankrupt shall have, either in his own hands or at any bankers, or otherwise subject to his order or disposition, or to his knowledge in the hands or in the order and disposition of himself and any co-assignee or co-assignees, or of any or either of them, any unclaimed dividend or dividends amounting in the whole to the sum of 50*l.*, and shall not within six calendar months after this Act shall have taken effect, or two calendar months after the expiration of one year after the declaration and order for payment of such dividend or dividends made by the Commissioner, either pay to the creditor or creditors entitled thereto, or cause a certificate thereof to be filed in the office of the Lord Chancellor's Secretary of Bankruptcy, containing a full and true account of the name or names of the creditor or creditors to whom such unclaimed dividend or dividends is or are respectively due, and of the amount of such dividend or dividends respectively, (such account being signed by the assignee or assignees rendering the same, and attested by the solicitor to the commission, or the solicitor to the assignee or assignees signing the same,) such assignee or assignees shall be charged in account with the estate of the bankrupt interest upon such unclaimed dividend or dividends, to be computed from the time when such certificate is hereby directed to be filed, at the rate of 6*l.* per centum per annum, for such time as he shall thenceforth retain the same, and also such further sum as the Commissioner shall think fit, not exceeding in the whole 20*l.* per centum per annum; and the Lord Chancellor or the said Commissioner may order the investment of any unclaimed dividend or dividends in the public funds or in any government security for or on account of the creditors entitled, and subject to such order as the Lord Chancellor may think fit to make respecting the same, who, if he shall think fit, may, after the same shall have remained unclaimed for the space of three years from the declaration of such dividends by the Commissioner, order the same to be divided amongst and paid to the other creditors; and the proof of the creditors to whom such dividends were allotted shall from thenceforth be considered as void as to the same, but renewable as to any future dividends, to place them *pari passu* with the other creditors, but not to disturb any dividends which shall have been previously made.

CCXIX. That no action for any dividend shall be brought against the assignees by any creditor who shall have proved under the commission; but if the assignees shall refuse to pay any such dividend the Lord Chancellor may, on petition, order payment thereof, with interest for the time that it shall have been withheld, and the costs of the application.

CCXX. That if any person against whom any commission has been issued or shall hereafter be issued, whereupon such person hath been or shall be declared bankrupt, shall not, before three of the clock upon the forty-second day after notice thereof in writing to be left at the usual place of abode of such person, or personal notice in case such person be then in prison, and notice given in the *Dublin Gazette* of issuing of the commission and of the sittings of the Commissioner, surrender himself to him, and sign or subscribe such surrender, and submit to be examined before him from time to time upon oath, or being a Quaker or Moravian or Separatist upon solemn affirmation or declaration, or if any such bankrupt upon such examination shall not discover all his real or personal estate, and how and to whom, upon what consideration, and when he disposed of, assigned, or transferred any of such estate, and all books, papers, and writings relating thereto, (except such part as shall have been really and *bona fide* before sold or disposed of in the way of his trade, or laid out in the ordinary expense of his family,) or if any such bankrupt shall not upon such examination deliver up to the Commissioner all such part of such estate, and all books, papers, and writings relating thereto, as be in his possession, custody, or power, (except the necessary wearing apparel of himself, his wife, and children,) or if any such bankrupt shall remove, conceal, or embezzle any part of such estate to the value of 10*l.* or upwards, or any books of account, papers, or writings relating thereto, with intent to defraud his creditors, every such bankrupt shall be deemed guilty of felony, and be liable to be transported for life, or for such term not less than seven years as the Court before which he shall be convicted shall adjudge, or shall be liable to be imprisoned only, or imprisoned and kept to hard labour, in any common gaol, penitentiary house, or house of correction, for any term not exceeding seven years.

CCXXI. That the Lord Chancellor shall have power, as often as he shall think fit, from time to time to enlarge the time for the bankrupt surrendering himself for such time as the Lord Chancellor shall think fit, so as every such order be made six days at least before the day on which such bankrupt was to surrender himself.

CCXXII. That it shall be lawful for the Commissioner before the choice of assignees, and after such choice for the assignees with the approbation of the Commissioner testified in writing under his hand, from time to time to make such allowance to the bankrupt out of his estate, until he shall have passed his last examination, as shall be necessary for the support of himself and his family.

CCXXIII. That if any bankrupt apprehended by any warrant of the Commissioner shall, within the time hereby allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same benefit as if he had voluntarily surrendered.

CCXXIV. That the bankrupt, after the appointment or choice of assignees, shall (if thereto required) forthwith deliver up to them upon oath sworn before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all books of account, papers, and writings relating to his estate in his custody or power, and discover such as are in the custody or power of any other person; and every such bankrupt not in prison or custody shall at all times after such surrender attend such assignees, upon every reasonable notice in writing for that purpose, given by them to him, or left at his house, and shall assist such assignees in making out the accounts of his estate; and such bankrupt after he shall have surrendered may at all seasonable times before the expiration of the said forty-two days, or such further time as shall be allowed to him to finish his examination, inspect his books, papers, and writings in the presence of his assignees or any person appointed by them, and bring with him each time any two persons to assist him; and every such bankrupt, after he shall have obtained his certificate, shall, upon demand in writing given to him or left at his usual place of abode, attend the assignees to settle any accounts between his estate and any debtor to or creditor thereof, or attend any court of record to give evidence touching the same, or do any act necessary for getting in the said estate, for which attendance he shall be paid 5s. per day out of his estate; and if such bankrupt shall after such demand as aforesaid not attend, or on such attendance refuse to do any of the matters aforesaid, without sufficient cause shewn to the Commissioner for such refusal, and by him allowed, the assignees making proof thereof upon oath before the Commissioner, the said Commissioner may, by warrant directed to such person as he shall think proper, cause such bankrupt to be apprehended and committed to such prison as he shall think fit, there to remain until he shall conform to the satisfaction of the said Commissioner or of the Lord Chancellor.

CCXXV. That in every case the assignees may, with the consent of the Commissioner, testified by some writing signed by him, appoint the bankrupt himself to superintend the management of the estate, or to carry on the trade, for the benefit of the creditors, and in all respects or any other respect as they may think fit to aid them in administering the bankrupt's estate and effects, in such manner and on such terms as they may think best for the benefit of the persons interested in the estate.

CCXXVI. That the bankrupt shall be free from arrest or imprisonment by any creditor in coming to surrender and after such surrender, during the said forty-two days, and such further time as shall be allowed him for finishing his examination, provided he was not in custody at the time of such surrender; and if such bankrupt shall be arrested for debt or on any escape warrant in coming to surrender, or shall after his surrender be so arrested within the time aforesaid, he shall, upon producing the summons under the hand of the Commissioner to the officer who shall arrest him, and giving such officer a copy thereof, be immediately discharged; and if any officer shall detain such bankrupt after he shall have shewn such summons to him so signed as aforesaid, such officer shall forfeit to such bankrupt for his own use the sum of 5l. for every day he shall detain such bankrupt, to be recovered by action of debt in any court of record at Dublin in the name of such bankrupt, with full costs of suit.

CCXXVII. That it shall be lawful for the Commissioner at the time appointed for the last examination of the bankrupt, or any enlargement or adjournment thereof, to adjourn such examination *sine die*, and he shall be free from arrest or imprisonment for such time, not exceeding three calendar months, as the Commissioner shall, by indorsement upon such summons as aforesaid, appoint, with like penalty upon any officer detaining such bankrupt after having been shewn such summons.

CCXXVIII. That whenever any bankrupt is in prison or in custody under any process, attachment, execution, commitment, or sentence, the Commissioner may, by warrant under his hand, directed to the person in whose custody such bankrupt is confined, cause such bankrupt to be brought before him at any sitting, and if any such bankrupt is desirous to surrender, he shall be so brought up, and the expense thereof shall be paid out of his estate, and such person shall be indemnified by the warrant of the Commissioner for bringing up such bankrupt; provided that the assignees may appoint any persons to attend such bankrupt from time to time, and to produce to him his books, papers, and writings, in order to prepare an abstract of his accounts and a statement to shew the particulars of his estate and effects, previous to his final examination and discovery thereof; a copy of which abstract and statement the said bankrupt shall deliver to them ten days at least before his last examination.

CCXXIX. That any person wilfully concealing any real or personal estate of the bankrupt, and who shall not within forty-two days after the issuing of the commission discover such estate to the Commissioner or assignees, shall forfeit the sum of 100l. and double the value of the estate so concealed; and any person who shall after the time allowed to the bankrupt to surrender voluntarily discover to the Commissioner or assignees any part of such bankrupt's estate not before come to the knowledge of the said assignees shall be allowed six per centum thereupon, and such further reward as the major part in value of the creditors present at any meeting called for that purpose shall think fit, to be paid out of the estate recovered on such discovery.

CCXL. That every bankrupt who shall have duly surrendered and in all things conformed himself to the laws in force concerning bankrupts at the time of issuing the commission against him shall be discharged from all debts due by him when he became a bankrupt, and from all claims and demands hereby made proveable under the commission, in case he shall obtain a certificate of such conformity so signed and allowed and subject to such provisions as hereinafter directed; but no such certificate shall release or discharge any person who was partner with such bankrupt at the time of his bankruptcy, or who was then jointly bound or had made any joint contract with such bankrupt.

CCXLI. That such certificate shall be signed by four-fifths in number and value of the creditors of the bankrupt who shall have proved debts under the commission to the amount of 20l. or upwards, or after six calendar months from the last examination of the bankrupt, then either by three-fifths in number and value of such creditors or by nine-tenths in number of such creditors, who shall thereby testify their consent to the said bankrupt's discharge as aforesaid; and no such certificate shall be such dis-

charge unless the Commissioner shall, in writing under his hand and seal, certify to the Lord Chancellor that such bankrupt has made a full discovery of his estate and effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and also that the creditors have signed in manner hereby directed, and unless the bankrupt make oath in writing that such certificate and consent were obtained without fraud, and unless such certificate shall after such oath be allowed by the Lord Chancellor, against which allowance any of the creditors of the bankrupt may be heard before the Lord Chancellor.

CXLII. That the Commissioner shall not sign any certificate unless he shall have proof, by affidavit in writing, of the signature of the creditors thereto, or of any person thereto authorized by any creditor, and of the authority by which such person shall have so signed the same; and if any creditor reside abroad the authority of such creditor shall be attested by a notary public, British minister or consul; and every such affidavit, authority, and attestation shall be laid before the Lord Chancellor, with the certificate, previous to the allowance thereof.

CXLIII. That any contract or security made or given by the bankrupt or other person unto or in trust for any creditor, or for securing the payment of any money due by such bankrupt at his bankruptcy, as a consideration or with intent to persuade such creditor to consent to or sign such certificate, shall be void, and the money thereby secured or agreed to be paid shall not be recoverable; and the party sued on such contract or security may plead the general issue, and give this Act and the special matter in evidence.

CXLIV. That any bankrupt who shall, after his certificate shall have been allowed, be arrested or have any action brought against him for any debt, claim, or demand hereby made proveable under the commission against such bankrupt, shall be discharged upon common bail, and may plead in general that the cause of action accrued before he became bankrupt, and may give this Act and the special matter in evidence; and such bankrupt's certificate and the allowance thereof shall be sufficient evidence of the trading, bankruptcy, commission, and other proceedings precedent to the obtaining such certificate; and if any such bankrupt shall be taken in execution or detained in prison for such debt, claim, or demand, where judgment has been obtained before the allowance of his certificate, it shall be lawful for any Judge of the court wherein judgment has been so obtained, on such bankrupt's producing his certificate, to order any officer who shall have such bankrupt in custody by virtue of such execution to discharge such bankrupt without exacting any fee, and such officer shall be hereby indemnified for so doing.

CXLV. That if any person who shall have been so discharged by such certificate as aforesaid, or who shall have compounded with his creditors, or who shall have been so discharged by any Insolvent Act, shall be or become bankrupt, and have obtained or shall hereafter obtain such certificate as aforesaid, unless his estate shall produce (after all charges) sufficient to pay every creditor under the commission 15s. in the pound, such certificate shall only protect his person from arrest and imprisonment, but his future estate and effects (except the tools of trade and necessary household furniture, and the wearing apparel of himself, his wife and children,) shall vest in the assignees under the said commission, who shall be entitled to seize the same in like manner as they might have seized property of which such bankrupt was possessed at the issuing of the commission.

CXLVI. That every bankrupt who shall have obtained his certificate, if the net produce of his estate shall pay the creditors who have proved under the commission 10s. in the pound, shall be allowed five per cent. out of such produce, to be paid him by the assignees, provided such allowance shall not exceed 400l.; and every such bankrupt, if such produce shall pay such creditors 12s. 6d. in the pound, shall be allowed and paid as aforesaid 7l. 10s. per cent., provided such allowance shall not exceed 500l.; and every such bankrupt, if such produce shall pay such creditors 15s. in the pound or upwards, shall be allowed and paid as aforesaid 10l. per cent., provided such allowance shall not exceed 600l.; but if such produce shall not pay such creditors 10s. in the pound such bankrupt shall only be allowed and paid so much as the assignees and Commissioners shall think fit, not exceeding 5l. per cent. and 300l.

CXLVII. That in all joint commissions under which any partner shall have obtained his certificate, if a sufficient dividend shall have been paid upon the joint estate and upon the separate estate of such partner, he shall be entitled to his allowance, although his other partner or partners may not be entitled to any allowance.

CXLVIII. That no bankrupt shall be entitled to his certificate or to be paid any such allowance, and that any certificate if obtained shall be void, if such bankrupt shall have lost by any sort of gaming or wagering in any one day 20l., or within one year next preceding his bankruptcy 200l., or if he shall within one year next preceding his bankruptcy have lost 200l. by any contract for the purchase or sale of any government or other stock, where such contract was not to be performed within one week after the contract, or where the stock bought or sold was not actually transferred or delivered in pursuance of such contract, or shall after an act of bankruptcy committed, or in contemplation of bankruptcy, have destroyed, altered, mutilated, or falsified, or caused to be destroyed, altered, mutilated, or falsified, any of his books, papers, writings, or securities, or made or been privy to the making of any false or fraudulent entries in any book of account or other document, with intent to defraud his creditors or shall have concealed property to the value of 10l. or upwards, or if any person having proved a false debt under the commission, such bankrupt, being privy thereto or afterwards knowing the same, shall not have disclosed the same to his assignees within one month after such knowledge.

CXLIX. That no bankrupt after his certificate shall have been allowed under any commission shall be liable to pay or satisfy any debt, claim, or demand from which he shall have been discharged by virtue of such certificate, or any part of such debt, claim, or demand upon any contract, promise, or agreement made or to be made after the suing out of the commission, unless and promise, contract, or agreement be made in writing, signed by the bankrupt, or by some person thereto lawfully authorized in writing by such bankrupt.

CL. That the assignees shall, upon request made to them by the bankrupt, declare to him how they have disposed of his real and personal estate, and pay the surplus, if any, to such bankrupt, his executors, administrators, or assigns; and every such bankrupt, after the creditors who have proved under the commission shall have been paid, shall be entitled to recover the remainder of the debts due to him; but such surplus shall not be paid until all creditors who have proved under the commission

sion shall have received interest on the debts, to be calculated and paid at the rate and in the order following; (that is to say,) all creditors whose debts are now by law entitled to carry interest, in the event of a surplus, shall first receive interest on such debts at the rate of interest reserved or by law payable thereon, to be calculated from the date of the commission, and after such interest shall have been paid all other creditors who have proved under the commission shall receive interest on their debts, from the date of the commission, at the rate of 5*l.* per centum.

CL^I. That at any meeting of creditors after the bankrupt shall have passed his last examination, (whereof and of the purport of which twenty-one days notice shall have been given in the *Dublin Gazette*,) if the bankrupt or his friends shall make an offer of composition or security for such composition which nine-tenths in number and value of the creditors assembled at such meeting shall agree to accept, another meeting for the purpose of deciding upon such offer shall be appointed, whereof such notice as aforesaid shall be given; and if at such second meeting nine-tenths in number and value of the creditors then present shall also agree to accept such offer the Lord Chancellor shall and may, upon such acceptance being testified by them in writing, supersede the said commission, and the remaining one-tenth in number and value of the said creditors shall be bound to accept of such composition so agreed to.

CL^{II}. That in deciding upon such offer as aforesaid any creditor whose debt is below 20*l.* shall not be reckoned in number, but the debt due to such creditor shall be computed in value; and that any creditor to the amount of 50*l.* and upwards residing out of Ireland shall be personally served with a copy of the notice of the meeting to decide upon such offer as aforesaid, and of the purpose for which the same is called, so long before such meeting as that he may have time to vote thereat; and such creditor shall be entitled to vote by letter of attorney executed and attested in manner hereby required for such creditors voting in the choice of assignees; and if any creditor shall agree to accept any gratuity or higher composition for assenting to such offer he shall forfeit the debt due to him, together with such gratuity or composition; and the bankrupt shall (if thereto required) make oath before the Commissioner that there has been no such transaction between him or any person, with his privy, and any of the creditors, and that he has not used any undue means or influence with any of them to attain such assent as aforesaid.

And after reciting that great inconveniences have arisen from the agents or clerks to commissions of bankrupts being considered as officers belonging to the assignees appointed under such commissions, and not subject to the controul or direction of the Commissioners named in such commissions, and they have frequently refused to produce the proceedings under such commissions to the Commissioners, and in many instances have refused to obey their orders:—

It is Enacted,

CL^{III}. That every person who shall act as agent or clerk to or who shall take out any commission of bankruptcy shall be subject to the controul and directions of the Commissioner to be appointed by virtue of this Act, and shall before he shall act or be capable of acting as such agent or clerk take the oath following:

‘I A. B. do swear, That during such Time as I shall be employed as Agent or Clerk to the Commission, or in anywise concerning the Proceedings in a Commission of Bankrupt issued and awarded and now in prosecution against C. D., I will faithfully and honestly, according to the best of my Skill and Knowledge, write, take down, and transcribe all such depositions and evidences, as well of the said bankrupt as of all others who shall be sworn and examined by or before the Commissioner under and by virtue of the said commission, as I shall by the said Commissioner in the said commission named be directed to write, take down, or transcribe; and also that I will in like manner during such Time safely and faithfully preserve and keep from all Kind of Defalcation and Embezzlement all such Depositions, Evidences, and Proceedings while the same shall be by the said Commissioner committed to my Care; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood, in respect to any Matter or Thing relating to the said Commission or to the Proceedings thereunder; and that I will, when required by such Commissioner, deliver up to him, or to such Person as he shall appoint, the several Depositions and the Proceedings and Documents in my Custody or Power relating to the said Commission.

‘So help me GOD.’

CL^{IV}. That any person or persons acting as messenger or messengers, and who shall issue any commission of bankruptcy, or when issued out shall act as agent in such commission, shall from such time be considered incapable for ever after of holding the office of Messenger in any commission of bankrupt; and every Messenger shall, before the Commissioner executes his warrant of seizure to him, take before the Commissioner the following oath; (that is to say,)

‘I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Orders which I shall receive from the Commissioner in the Commission of Bankrupt awarded and issued against C. D.; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood, in respect to any Matter or Thing relating to the said Commission or any of the Proceedings thereunder; and that I will not by myself, or any other Person in Trust for me, have any Interest, Employment, or Concern in the said Commission in any other Capacity whatsoever except that of Messenger.

‘So help me GOD.’

CL^V. That the Commissioner to be appointed by virtue of this Act shall in all matters within his jurisdiction have power to take the whole or any part of the evidence, either *visd voce* on oath, or upon affidavits to be sworn before the said Commissioner or a Master Ordinary or Extraordinary in Chancery, as the said Commissioner may in any case direct, or as the Lord Chancellor may from time to time prescribe by any general rule to be made by virtue of this Act.

CL^{VI}. That from and after this Act shall take effect no commission of bankrupt shall be superseded by reason only that the commission has been concerted by and between the petitioning creditor, his solicitor or agent, or any of them, and the bankrupt, his solicitor or agent, or any of them, save and except where any petition to supersede a commission for any such cause shall have been presented before this Act shall come into operation, and shall be then pending.

CL^{VII}. That if any person employed for any of the purposes of this Act shall for anything done or pretended to be done

under this Act, or any other Act relating to bankrupts, or under colour of doing anything under this Act or any other such Acts, fraudulently or wilfully demand or take, or appoint or allow any person whatsoever to take for him or on his account, or for or on account of any person by him named, or in trust for him or for any other person by him named, any fee, emolument, gratuity, sum of money, or anything of value whatsoever, other than is allowed by this Act and any other such Act as aforesaid, or by any order of the Lord Chancellor acting under the authority of this Act or any other such Act as aforesaid, such person when duly convicted thereof shall forfeit and pay the sum of 500*l.*, and be rendered incapable and is hereby rendered incapable of holding any office or place whatsoever under His Majesty, his heirs or successors.

CLVIII. That any Commissioner appointed under this Act shall have full power and he is hereby authorized to commit to custody in any prison or bridewell, for any term not exceeding one month, any person who shall be guilty of any riot or disturbance in any court held by such commission, or who shall in such court interrupt the said Commissioner in the exercise of his duty.

CLIX. That any such offender may be prosecuted either by information at the suit of His Majesty's Attorney General, or by criminal information before His Majesty's Court of King's Bench, or by indictment: Provided always nevertheless, that if any person so employed as aforesaid shall commit any offence against this Act, it shall and may be lawful for the Lord Chancellor to dismiss the person so offending from his employment, upon proof made before him of such offence having been committed.

CLX. That this Act shall be construed beneficially for creditors; and that nothing herein contained shall alter the present practice in bankruptcy, except where any such alteration is expressly declared; and that it shall extend to aliens, denizens, and women, both to make them subject thereto and to entitle them to all the benefits given thereby; and that all powers hereby given to or duties directed to be performed by the Lord Chancellor shall and may be exercised or performed by a Lord Keeper or by Lords Commissioners of the Great Seal; and all powers given to or duties directed to be performed by the assignees may be exercised and shall be performed by the major part of them, or by one assignee where only one shall have been appointed or chosen.

CLXI. That this Act shall commence and take effect from and after the 1st of July 1836; and that it shall not extend either to England or Scotland, except where the same are expressly mentioned.

CLXII. That this Act may be repealed, altered, or amended during this present session of Parliament.

CAP. XV.

AN ACT to amend an Act of the Fourth and Fifth Years of His present Majesty, in order to enable certain Seamen belonging to *Shetland* or *Orkney* to pay certain Sums of Money, payable under that Act to the Seamen's Fund, at *Lerwick* in *Shetland* or *Kirkwall* in *Orkney*.

(7th June 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Deductions authorized by recited Act, out of the wages of seamen of the ports of Lerwick and Kirkwall, to be paid to collectors at those ports.*
2. *Masters of merchant ships to make abstracts from their muster rolls of names, &c. of seamen belonging to Lerwick and Kirkwall, and give a duplicate thereof to the collectors at the said ports.*
3. *As to payment of said deductions when seamen cannot be landed at Lerwick or Kirkwall.*
4. *Such seamen entitled to all the privileges of recited Act.*
5. *This Act to be deemed part of recited Act.*

By this Act,

After reciting an Act, 4 & 5 Will. 4. c. 52, intituled, 'An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain or drowned in the Merchant Service, and for other Purposes:' And that the said recited Act enacts that all and every the masters, commanders, or owners of all merchant ships or other private ships or vessels whatsoever, by the said Act made liable to the payment of the said duties of 2*s.* per month and 1*s.* per month, shall pay all such monies as shall from time to time be due from them and every of them respectively for or on account of the said duties to the collectors or receivers appointed in pursuance of the said Act, or of an Act, 20 Geo. 2, at whatever port in the United Kingdom of Great Britain and Ireland any such ship or vessel should report or discharge her cargo: And that it is usual and customary for ships or vessels belonging to and discharging their cargoes at many of the ports in the said United Kingdom of Great Britain and Ireland to leave their respective ports of outfit without engaging the whole number of seamen and other persons necessary to be employed for the completion of their respective voyages, and for the masters, commanders, or owners of the said ships or vessels to fill up and complete their crews by hiring and taking on board seamen and other persons for the service of the said ships or vessels at the port of *Lerwick* in *Shetland*, or at the port of *Kirkwall* and its dependencies, in the said United Kingdom of Great Britain and Ireland, and for the said last-mentioned seamen and other persons to be rehired and discharged at the said port of *Lerwick* and its dependencies, or at the port of *Kirkwall* and its dependencies, where they had been hired and taken on board, when the said ships or vessels shall be on their return to their respective ports of outfit:

And that it is expedient that the monies required by the said recited Act to be deducted and detained out of the wages, shares, or other profits payable or accruing to such seamen and other persons so hired and taken on board and relanded and discharged at the said port of Lerwick in Shetland, (or at the said port of Kirkwall in Orkney), should be paid to the collectors or receivers or trustees appointed at the said port of Lerwick in Shetland, or at the said port of Kirkwall in Orkney, as the case may be, and not to the collectors or receivers or trustees at the port where the said ships or vessels shall report or discharge their cargoes :—

It is Enacted,

I. That from and after the 1st of January 1837 all monies deducted and detained, in pursuance of the said recited Act, out of the wages, shares, or other profits payable or accruing to such seamen and other persons as shall be hired and taken on board at the port of Lerwick and its dependencies, or at the port of Kirkwall and its dependencies, and again relanded and discharged at the same, shall be paid, and the masters, commanders, or owners of all merchant or other ships by the said recited Act made liable to the said duties of 2s. per month and 1s. per month are hereby required to pay all such monies so deducted and detained out of the wages, shares, or other profits payable or accruing to such seamen and other persons as shall be hired and taken on board at the port of Lerwick in Shetland, or at the port of Kirkwall and its dependencies, and again relanded and discharged at the same, to the collectors or receivers or trustees appointed in pursuance of the said recited Act, or the said Act, 20 Geo. 2, at whichever of the said ports of Lerwick or Kirkwall the said seamen or other persons shall have been so hired and taken on board, and again relanded and discharged as aforesaid; and if any master, commander, or owner shall not pay over the said duties as hereby directed, he shall be liable, and the ship or vessel of which he is the master, commander, or owner shall be liable, to all the penalties and liabilities to which he or it is respectively liable by the said recited Act, 4 & 5 Will. 4, if he neglect to pay over the said duties according to the provisions of the said recited Act: Provided always, that every such master, commander, or owner, having paid such monies or duties so by this Act directed and required to be paid as aforesaid, shall not be required to make any payment on account of such monies or duties at any port at which the said ship or vessel shall report or discharge its cargo, nor shall the master, commander, or owner be exposed to any penalties, nor the said ship or vessel be in any way delayed or impeded by the officers of His Majesty's Customs, nor by any other person, on account of such non-payment at any other port than as aforesaid; provided such master, commander, or owner produces before the collector or receiver for the port at which such ship or vessel shall report or discharge her cargo a certificate of the payment hereinbefore mentioned, signed by the collector or receiver of the port of Lerwick in Shetland, or of the port of Kirkwall in Orkney and its dependencies, as the case may be.

II. That every master, commander, or owner of any such merchant ship or other vessel who shall keep a muster roll as required to be kept by the said recited Act shall make abstracts from the said muster roll, in one of which he shall insert the christian and surnames of all seamen and other persons taken on board and intended to be relanded and discharged at the port of Lerwick and its dependencies, and in the other of which he shall make a similar entry of all seamen and other persons taken on board and intended to be relanded and discharged at the port of Kirkwall and its dependencies, and that the said abstracts shall respectively contain all the particulars respecting the said seamen and other persons which are required to be contained in the said muster roll by the said recited Act; and that a duplicate of the said abstract of Lerwick seamen shall, if required, be signed by the said master, commander, or other person having the care of the said ship or vessel, and shall be delivered to the collectors or receivers of the said duties so appointed as aforesaid at Lerwick in Shetland; and that a similar duplicate of the said abstract of Kirkwall seamen shall, if required, be signed as aforesaid, and be delivered to the collectors and receivers appointed as aforesaid at Kirkwall in Orkney: Provided always, that such collector or receiver at Lerwick or Kirkwall, as the case may be, shall forthwith, on the receipt of such monies or duties and of the said duplicate, if required as aforesaid, from such master, commander, or other person having the care of the said ship or vessel as aforesaid, grant a certificate to such master, commander, or other person as aforesaid, stating that such monies or duties have been duly paid according to the provisions of this Act; and in case any such master, commander, or other person shall neglect to make such abstract, or shall neglect or refuse to deliver such duplicate as aforesaid, every such person shall forfeit and pay for every such refusal or omission the sum of 5*l.* of the lawful money of Great Britain.

And after reciting that it sometimes occurs that such seamen and other persons so taken on board, and intended to be relanded and discharged at the aforesaid ports of Lerwick or Kirkwall are prevented by weather or otherwise from being relanded at the said ports where they had been so hired and taken on board as aforesaid, and are carried forward to some other port in the United Kingdom of Great Britain and Ireland: and that it is expedient that they should not on that account lose the benefits intended to be conferred upon them by this Act :—

It is Enacted,

III. That in case any such seamen or other persons so taken on board and intended to be relanded and discharged at the said ports of Lerwick or Kirkwall shall, by stress of weather or otherwise, be carried forward to any other port in the United Kingdom of Great Britain and Ireland, the master, commander, or other person having the care of such ship or vessel shall in such case pay over such duties so detained out of the wages or other profits of such seamen and other persons so taken on board as aforesaid at Lerwick or Kirkwall to the collectors or receivers of the port where the said ship or vessel shall report or discharge her cargo: Provided always, that it shall be lawful for the collectors, receivers, or trustees appointed in pursuance of the said recited Act, or of an Act, 20 Geo. 2, at Lerwick or Kirkwall respectively, to demand from the collectors, receivers, or trustees appointed at any such port of discharge each and every such sum of money so deducted from the wages of the aforesaid seamen and other persons, and paid over as hereby directed; and the collectors, receivers, or trustees at all such ports of discharge are hereby required to pay over, on demand, all such monies, to the collectors, receivers, or trustees at Lerwick or Kirkwall, as the case may be.

IV. That the said seamen and other persons so taken on board and relanded and discharged, or intended to be relanded and discharged as aforesaid, at the port of Lerwick and its dependencies, or at the port of Kirkwall and its dependencies, shall be entitled to all the profits and advantages of the said recited Act, as fully and completely as if they should have served during

the same number of months in a merchant ship or other private ship or vessel belonging to the port of L^{or}wick and its dependencies, or to the port of Kirkwall and its dependencies, as the case may be, and discharging her cargo at the same.

v. That this Act shall be deemed and taken to be part of the said recited Act, as fully and effectually as if the same had been incorporated therewith.

CAP. XVI.

AN ACT to revive and continue in force, until the First Day of *August* One thousand eight hundred and forty, an Act of the Legislature of *Jamaica* to explain and amend an Act for the Abolition of Slavery in that Island, and in aid of the same.

(7th June 1836.)

By this Act,

After reciting that by an Act, 3 & 4 Will. 4. c. 73, intituled, 'An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves:' after reciting that it was necessary that various rules and regulations should be framed and established for certain purposes therein particularly enumerated, and further reciting that such regulations could not, without great inconvenience, be made, except by the respective governors, councils, and assemblies, or other local legislatures of the said respective colonies, or by His Majesty, with the advice of his Privy Council, in reference to those colonies to which the legislative authority of His Majesty in council extends, it is enacted and declared, that nothing in the said Act contained extends or shall be construed to extend to prevent the enactment by the respective governors, councils, and assemblies, or by such other local legislatures as aforesaid, or by His Majesty, with the advice of his Privy Council, of any such Acts of General Assembly, or ordinances or orders in council, as may be requisite for making and establishing such several rules and regulations as aforesaid, or any of them, or for carrying the same, or any of them, into full and complete effect: And that on the 12th of December 1833 an Act was passed by the Governor, Council, and Assembly of the island of Jamaica, intituled, 'An Act for the Abolition of Slavery in this Island, in consideration of Compensation; and for promoting the Industry of the manumitted Slaves; and to declare the Fifty-second Year of George the Third, Chapter One hundred and fifty-five, in force in this Island:' And that by the said Act provision was made for giving effect within the said island to the said Act of Parliament by certain further and supplementary enactments: And that the said Act of General Assembly was made to continue in force until the 1st of August 1840: And that on the 4th of July 1834, the Governor, Council, and Assembly of the said island passed another Act, intituled, 'An Act to repeal Part of an Act of the Fourth Year of King William the Fourth, Chapter Forty-one, intituled, "An Act for the Abolition of Slavery in this Island, in consideration of Compensation; and for promoting the Industry of the manumitted Slaves; and to declare the Fifty-second of George the Third, Chapter One hundred and fifty-five, in force in this Island;" and to explain and amend and in aid of the said Act:' And that by the said last-recited Act the said Act of the 12th of December 1833 was explained and amended, and various additional enactments were made supplementary to the said Act of Parliament: And that the said Act of General Assembly of the 4th of July 1834 was made to continue in force until the 31st of December 1835, and no longer: And that the said last-recited Act expired on the said 31st of December 1835, and hath not been since revived: And that certain of the enactments contained in the said Act of General Assembly of the 4th of July 1834 are necessary to give full effect in the said island of Jamaica to the said Act of Parliament:—

It is Enacted,

That the said recited Act of the Governor, Council, and Assembly of the island of Jamaica of the 4th of July 1834, and all the clauses and provisions therein contained (save only the provision which limits the duration thereof), shall be and the same is and are hereby revived, and that the same each and every of them shall, by force and virtue of this present Act, be and continue in force in the said island of Jamaica until the 1st of August 1840, unless before that time some Act or Acts to be continued in force till the 1st of August 1840, shall have been passed by the Council and Assembly of the said island in substitution for this present Act, and shall have been assented to by the government or officer administering the government of the said island; and when and so soon as any such substituted Act or Acts shall take effect in the said island this Act shall cease and determine.

CAP. XVII.

AN ACT to make Provision for the better Administration of Justice in certain of His Majesty's *West India* Colonies.

(7th June 1836.)

ABSTRACT OF THE ENACTMENTS.

1. His Majesty may erect two Superior Courts in the *West India* Islands.
2. The islands to be divided into two judicial districts.
3. His Majesty may erect a Superior Court in each of such districts.
4. Of what Judges the Courts are to be composed.
5. Qualifications of the Judges.—Judges how appointed, and how to hold their offices.
6. Provisional appointment of Judges.

7. *The jurisdiction of the Courts.*
8. *Courts to be holden twice a year.*
9. *Two terms to be annually held in each island.*
10. *Actions to be tried by a single Judge with a jury of twelve men.*
11. *Resident Puisne Judge may do all acts which a single Judge may do in England.*
12. *Appeal to the King in council upon error in law.*
13. *Jurisdiction in cases of offences committed on the sea.*
14. *Courts to have an equitable jurisdiction.*
15. *Chief Justice empowered to hear equity causes; and, in his absence, the Puisne Justice.*
16. *Equitable jurisdiction of the resident Judge during the non-session of the Court.*
17. *Courts to have ecclesiastical jurisdiction.*
18. *Appeal to the King in council in respect to the equitable or ecclesiastical jurisdiction.*
19. *Courts of Quarter Sessions to be held.*
20. *The jurisdiction of Justices of the Peace not to be infringed.*
21. *Jurisdiction of Courts for the recovery of small debts.*
22. *This Act not to repeal existing laws or usages.*
23. *His Majesty may place Trinidad and Saint Lucia under jurisdiction of Supreme Courts.*
24. *The Act not to take effect until Acts of Assembly shall have been passed repealing all existing laws which could interfere with the operation of it.*
25. *His Majesty to declare by order in council that the before-mentioned condition has been complied with.—Order in council to be laid before Parliament.*

By this Act,

After reciting that certain Acts or statutes have heretofore been passed and enacted by the legislative councils and general assemblies of His Majesty's Islands of Barbadoes, St. Vincent, Grenada, Tobago, Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands in the West Indies, for erecting therein certain superior courts of justice; and by such Acts of Assembly, or some of them, the said Courts are invested with an exclusive jurisdiction over all persons within the said islands respectively, and in all causes, civil and criminal, arising within the same; and such Acts having been assented to, in the name and on the behalf of His Majesty's royal predecessors, by the governors, or by the officers administering the governments of the said islands, were subsequently allowed and confirmed by His Majesty's said royal predecessors, with the advice of their Privy Council: And that it is expedient to make provision for the better administration of justice throughout the several islands aforesaid, and for that purpose to erect two Courts of Judicature within the same, and to commit to such Courts a superior and exclusive civil and criminal jurisdiction, to be exercised by them throughout several of such islands, constituting distinct and separate governments, and possessing distinct and separate General Assemblies: And that by reason of such Acts of Assembly as aforesaid, and by reason of the separation of the governments of the said several islands, and of the General Assemblies thereof, such Courts of Judicature cannot be erected without having recourse to the assistance and authority of Parliament:—

It is Enacted,

I. That it shall and may be lawful for His Majesty, and he is hereby authorized, by charters or letters patent under the Great Seal of this United Kingdom, to erect, constitute, and establish two such Superior Courts of Judicature, having such exclusive jurisdiction as hereinafter mentioned, within His Majesty's islands aforesaid in the West Indies; and which charters or letters patent shall be promulgated in the several islands aforesaid, by proclamations to be therein respectively made in the name and on the behalf of His Majesty, by the respective governors or officers administering the government thereof respectively.

II. That for the purposes of this present Act His Majesty's said islands or governments of Barbadoes, St. Vincent, Grenada, Tobago, Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands shall be divided into two separate and distinct judicial districts; one of which districts shall comprise the said islands of Barbadoes, St. Vincent, Grenada, and Tobago, with their several dependencies, and the other of which districts shall comprise the said islands of Antigua, Montserrat, St. Christopher, Nevis, Dominica, and the Virgin Islands, with their several dependencies.

III. That it shall be lawful for His Majesty, by such charters and letters patent as aforesaid, to erect and establish within the said first-mentioned district one Superior Court of Judicature, which shall be styled "The Supreme Court of His Majesty's Windward Caribbee Islands," and to erect and establish within the said last-mentioned district one other Superior Court of Judicature, which shall be styled "The Supreme Court of His Majesty's Leeward Caribbee Islands."

IV. That each of the said Courts shall consist of and be holden in each of the said respective islands or governments by a Chief Justice and a Senior Puisne Justice, and by a resident Puisne Justice; which said Chief Justices and Senior Puisne Justices shall act in and for each and all of the islands and governments comprised in their respective districts; but which said resident Puisne Justices shall severally act in and for the several and respective islands or governments within which they shall be respectively resident, and in no other parts of the said respective districts.

V. That the said Chief Justices and Senior Puisne Justices shall be respectively barristers-at-law in His Majesty's Courts of Chancery, King's Bench, Common Pleas, and Exchequer at Westminster or Dublin, or advocates in the Court of Session in Scotland, and shall have been admitted as such, the said Chief Justices for seven years at the least and the said Senior Puisne Justices for five years at the least previously to such their appointments; and that the said resident Puisne Justices shall at the time of such their appointments be either such English or Irish barristers or such advocates in Scotland as aforesaid of not less than five years standing, or shall at the time of such their appointments have been admitted for at least the term of five years to practise at the bar in some or one of His Majesty's colonial possessions, or shall have acted as Judges of some or one of the Supreme Courts of Judicature of some or one of such colonial possessions; and the said Justices of the said Supreme

Courts shall from time to time be appointed to such their offices by His Majesty by warrants under his signet and sign manual, and shall hold such their offices during His Majesty's pleasure, and the ministerial and other officers of the said Court respectively shall be appointed to and removed from their respective offices in such manner as His Majesty shall by such charters or letters patent as aforesaid direct.

VI. Provided, That in case of the death or resignation of any of the said Justices, or in case of any such sickness or infirmity as shall render any such Justice incapable of performing the duties of his office, or in case of the absence of any such Justice from the district to which the jurisdiction of the Supreme Court to which he may belong shall extend, it shall be lawful for the Governor or the officer administering the government of Barbadoes within the district of the said Supreme Court of His Majesty's Windward Caribbean Islands, and for the Governor or the officer administering the government of Antigua within the district of the Supreme Court of His Majesty's Leeward Caribbean Islands, respectively to appoint some fit and proper person to act in the place and stead of any Justice so dying, resigning, becoming incapable, or being absent, until a successor shall be appointed by His Majesty, or until any such Justice shall return to the execution of his office; and in the meantime, until a successor shall be so appointed, or until such Justice shall return as aforesaid, and shall enter upon or resume the discharge of his office in the said Courts respectively, the person so to be appointed by such Governor or officer administering the government shall have and exercise all the jurisdiction, powers, and authorities hereby or by the said charters or letters patent granted to or vested in the Justices of the said Courts respectively.

VII. That the said Supreme Courts respectively shall be courts of record, and shall within the said islands or governments comprised within their jurisdiction respectively, and within all and every the islands and territories which now are or hereafter may be dependent upon the respective governments thereof, have cognizance of all pleas, civil or criminal, and jurisdiction in all cases whatsoever, as fully and amply to all intents and purposes as His Majesty's Courts of King's Bench, Common Pleas, and Exchequer at Westminster, or either of them, lawfully have or exercise, and the said Courts respectively shall also at all times be Courts of oyer and terminer and general gaol delivery in and for the said islands and territories and the dependencies thereof respectively; and the said Justices so to be appointed shall have and exercise such and the same jurisdiction and authority in the said islands and territories and the dependencies thereof respectively as the Judges of the Courts of King's Bench, Common Pleas, and Exchequer in England, or any of them, lawfully have and exercise, and as shall be necessary for carrying into effect the several jurisdictions, powers, and authorities committed to the said Courts respectively.

VIII. That the said Supreme Court of His Majesty's Windward Caribbean Islands shall be holden twice at the least in each year in the islands of Barbadoes, Saint Vincent, Grenada, and Tobago respectively; and that the said Supreme Court of His Majesty's Leeward Caribbean Islands shall be holden twice at the least in each year in the islands of Antigua, Montserrat, Saint Christopher's, Nevis, Dominica, and Tortola respectively.

IX. That for the exercise of the legal jurisdiction vested in the said Supreme Courts two terms at the least thereof respectively shall be holden in each year within each of the several islands aforesaid, and that in all sittings of the said Supreme Courts in hancoc the judgments, orders, and acts of the majority of the said Justices shall be deemed and taken to be the judgments, orders, and acts of the said Supreme Courts, and shall have force and validity and be executed accordingly.

X. That in any actions at law to be brought in the said Supreme Court of His Majesty's Windward Caribbean Islands and of His Majesty's Leeward Caribbean Islands respectively, when the parties, plaintiff and defendant, in any such action shall join issue on any matter of fact, the trial of such issue or issues shall and may be by one or more of the Justices of the said Courts respectively, and by a jury of twelve men, according to the course of the common law of England; and that on the trial of any person or persons upon any indictment or information before the said Courts, or either of them, such trial shall and may be had by any one or more Justice or Justices of the said Courts, and a jury of twelve men, according to the course of the law of England.

XI. That in each of the islands or governments aforesaid the resident Puisne Justice of the said Supreme Courts shall within the islands or governments respectively in which they shall be so resident, and the dependencies thereof, have and exercise all such powers, authorities, and jurisdiction as by the law of England are or is vested in or can be exercised by any single Justice of His Majesty's Courts of King's Bench or Common Pleas at Westminster, or by any single Baron of His Majesty's Court of Exchequer, sitting apart from the other Judges of the same Courts, and more especially all powers, authorities, and jurisdiction which may be exercised by any one of the Judges of the Courts of King's Bench at Westminster for taking and justifying special bail in causes depending in the same court; and it shall and may be lawful for such resident Puisne Justice in the interval between any two successive terms of the said Supreme Courts to hold one or more special sittings thereof for the purpose of entering actions, or of confessing judgments, or of making any such rules or orders of court as may be necessary for making up the records of the said court, until issue shall be thereupon joined upon any matter of law or of fact, which issues shall nevertheless be adjudged or tried during such terms as aforesaid, and not at any other time; and all rules, orders, and judgments so to be made or entered up at any such special sitting as aforesaid shall be taken to be as of the term immediately preceding or of the term immediately succeeding the date thereof, as such resident Puisne Justice shall in each case direct.

XII. That for reversing any judgment of the said Supreme Courts, or either of them for any error of law, it shall be lawful for the parties, either plaintiff or defendant, to appeal to His Majesty in council upon and subject to such terms and conditions as His Majesty by such charters or letters patent as aforesaid shall be pleased to direct.

XIII. That the said Supreme Courts of His Majesty's Windward Caribbean Islands and of His Majesty's Leeward Caribbean Islands respectively shall and may inquire of, hear, and determine all treasons, piracies, robberies, murders, conspiracies, and other offences, of what nature or kind soever, committed or that shall be committed upon the sea, or any haven, river, creek or place where the Admiral or Admirals have authority, power, or jurisdiction, according to the common course of the laws of the realm of England, and used for offences committed upon the land within the realm of England, and not otherwise; and that all persons convicted of the offences so to be inquired of, heard, and determined in the said Courts respectively shall be

subject and liable to and shall suffer all such and the same pains, penalties, and forfeitures, as by any law or laws now in force persons convicted of the same respectively would be subject and liable to in case the same were respectively inquired of, tried, heard, determined, and adjudged in England; any law, statute, or usage to the contrary notwithstanding.

XIV. That the said Supreme Courts respectively shall be courts of equity within the limits of the jurisdiction thereof, and shall have power and authority to administer justice, and to do, exercise, and perform all such acts, matters, and things necessary for the due execution of such equitable jurisdiction as the Lord High Chancellor of Great Britain can or lawfully may do, exercise or perform within the realm of England.

XV. Provided, That the Chief Justice for the time being of each of the said Supreme Courts respectively shall have power to hear and determine all causes, matters, and things which shall be at any time depending in the said Courts respectively as courts of equity; and that if any such Chief Justice shall, by sickness or other unavoidable cause, be prevented from sitting for the purposes aforesaid, then it shall and may be lawful for the Puisne Justice, or the resident Puisne Justice of such Courts respectively to hear and determine such causes, matters, and things; and that the decrees, orders, and acts of the said Chief Justice, or in case of his being prevented as aforesaid, then of such Puisne Justice or resident Puisne Justice as aforesaid, shall be deemed and taken to be respectively the decrees, orders, and acts of the said Supreme Court in such their equitable jurisdiction, and shall have force and validity to be executed accordingly.

XVI. That, during the non-session of the said Supreme Courts respectively in any of the islands or governments aforesaid it shall be lawful for the resident Puisne Justice for such island or government to hear and determine all applications which shall be made to the said Supreme Courts respectively as courts of equity for any decree to which all the parties, plaintiff and defendant, shall be consenting, or for any interlocutory order in any cause there depending, which orders shall nevertheless be subject to the review of the full Court in such manner, and upon, under, and subject to such conditions, as His Majesty by such letters patent or charters as aforesaid shall direct and appoint.

XVII. That the said Supreme Courts respectively shall have power to grant probates under the seal of the said Courts of the last wills and testaments of all or any inhabitants of the said islands or governments respectively, and of all other persons who shall die and leave personal effects within the same, and shall also have power to grant letters of administration of the goods, chattels, credits, and all other effects whatsoever of the persons aforesaid who shall die intestate, or who shall not have named an executor resident within such islands or governments respectively, or where the executor, being duly cited, shall not appear and sue forth such probate, annexing the said will to letters of administration when any such persons shall have left a will without naming any executor who shall be then alive and resident within the islands or governments aforesaid, and who, being cited thereunto, shall not appear and sue forth a probate thereof, and to sequester the goods and chattels, credits and other effects whatsoever of such persons so dying, in cases allowed by law, as the same is and may now be used in the diocese of London, and to demand, require, take, hear, examine, and allow, and, if occasion require, to disallow or reject, the accounts of such executors or administrators, in such manner and form as may be used in the said diocese of London, and to do all other things whatsoever necessary in that behalf: Provided always, that in the interval between any two successive terms of the said Supreme Courts it shall be lawful for such resident Puisne Justices as aforesaid in the islands in which they shall be so respectively resident to do all and every the judicial acts, and to exercise the ecclesiastical jurisdiction aforesaid, and in all cases in which there shall be no caveat entered or opposition made.

XVIII. That it shall be lawful for either of the parties, plaintiff or defendant, to appeal to His Majesty in council against any decree, order, or sentence made or pronounced by either of the Supreme Courts in the exercise of such equitable or ecclesiastical jurisdiction as aforesaid, and in such manner and upon and subject to such terms and conditions as His Majesty by such charters or letters patent as aforesaid shall please to direct.

XIX. That nothing herein contained shall extend or be construed to extend to take away or abridge any jurisdiction, powers or authorities which now is or are vested in any courts of general quarter sessions holden in and for the several islands and governments aforesaid, and their dependencies, or to prevent the erection by law in any of the said islands and governments of courts of general quarter sessions with power and authority to take cognizance of all matters and things cognizable in all courts of quarter sessions of the peace in England, as far as the circumstances and condition of the governments of the said islands respectively shall require or admit: Provided nevertheless, that in all such courts of quarter sessions, whether established or to be established in the said respective islands or governments, the said resident Puisne Justice for such island or government shall in virtue of such his office preside as chairman.

XX. Provided, That nothing herein contained shall extend or be construed to extend to take away or abridge any jurisdiction, powers, or authorities which now is or are, by any law in force within the said islands or governments, vested in any Justices of the Peace, whether acting separately or collectively.

XXI. Provided, That nothing herein contained shall extend or be construed to extend to take away or abridge any jurisdiction, powers, or authorities which now is or are, by any law in force in the said islands or governments, vested in any court or courts for the recovery of small debts or demands not exceeding the sum of £20. sterling in amount or value, or to prevent the establishment by law therein of any such court or courts; provided that in all such courts, whether established or to be established in the said respective islands or governments, the said resident Puisne Justice for such island or government shall in virtue of such his office preside and act as Judge.

XXII. Provided, That nothing herein contained shall extend or be construed to extend to repeal, annul, alter, or affect any Acts, statutes, laws, or lawful customs or usages in force within the said islands or governments, or any of them, or directly or indirectly to introduce or establish within such islands or governments, or any of them, any Acts, statutes, laws, or customs not now in force within the same, or to alter the rules of practice or methods of proceeding in administering justice within such islands or any of them, save and except only so far as relates to the courts in which and the Judges by whom justice is administered within the said islands and governments; but that in all other respects the Acts, statutes, laws, and lawful customs heretofore established and in force within the said islands and governments, and such rules of practice and methods of proceed-

ing shall continue to be in force and to be established within the same as fully and effectually, to all intents and purposes, as if this present Act had not been made, anything hereinbefore contained to the contrary notwithstanding.

And after noticing that it may be expedient that the islands of Trinidad and Saint Lucia should be comprised within the jurisdiction of the said Supreme Courts or one of them, and that for that purpose the districts aforesaid or one of them should be enlarged:—

It is Enacted,

xxiii. That it shall be lawful for His Majesty, if it shall appear to His Majesty in council expedient, but not otherwise, by any order or orders to be by him made with the advice of his Privy Council, to include within the jurisdiction of the said Supreme Courts, or of either of them, the said islands of Trinidad or Saint Lucia, or either of them, and for that purpose to enlarge the said districts or either of them, and by any such order or orders in council to make all such regulations as to His Majesty in council shall seem meet, for the adaptation to the laws in force in the said islands respectively of the jurisdiction of the said Supreme Courts respectively or either of them.

xxiv. Provided, That this present Act shall not come into operation, and shall not be binding or in force upon His Majesty's subjects or other persons residing and being within the said islands and governments, and that such letters patent or charters as aforesaid shall not be made or issued unless the legislative councils and general assemblies of the said several islands or governments shall, by some Acts of Assembly to be by them for that purpose first made and enacted, have provided that all and every the Acts, laws, statutes, customs, and usages in force within the said islands and governments, in so far as the same might or could in anywise obstruct or interfere with the operation within such islands or governments of this present Act, and of the said charters or letters patent, shall be absolutely repealed or annulled, nor unless such repeal shall be made to take effect immediately upon the promulgation of such charters or letters patent within the said islands or governments, nor unless such Acts of Assembly shall be assented to in the name and on the behalf of His Majesty by the Governors or the officers administering the government of the said islands or governments, and shall be confirmed and allowed by His Majesty, with the advice of his Privy Council.

And for the prevention of all doubt whether the conditions have or have not been complied with, and whether this Act hath or hath not come into operation,—

It is Enacted,

xxv. That it shall and may be lawful for His Majesty, by an order to be by him made with the advice of his Privy Council, to declare that the before-mentioned conditions have been complied with by the several legislative councils and general assemblies of the said islands or governments; and when and so soon as any such order in council shall be published in the *London Gazette*, and such letters patent or charters as aforesaid shall in manner hereinbefore mentioned have been promulgated within the said islands and governments, and not before, this present Act, and every clause, matter, and thing herein contained, shall come and be deemed and taken to have come into operation within the said islands or governments, and be binding upon all His Majesty's subjects and other persons residing and being within the same: Provided always, that such order in council shall be laid before both Houses of Parliament within six weeks from its date, if Parliament shall be then in session, and if not, then within six weeks from the commencement of the then next ensuing session of Parliament.

CAP. XVIII.

AN ACT to apply the Sum of Eight Millions, out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-six.

(7th June 1836.)

By this ACT, the Commons granted, and it is Enacted,

- i. That there shall be applied, for the service of the year 1836, 8,000,000*l.* out of the Consolidated Fund.
- ii. That the Commissioners of His Majesty's Treasury, or any three or more of them, may cause 8,000,000*l.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1.
- iii. That the clauses in 48 Geo. 3. c. 1. shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act.
- iv. That the Exchequer bills to be made out in pursuance of this Act shall and may bear an interest not exceeding the rate of 3*½*d. per centum per diem upon or in respect of the whole of the monies respectively contained therein.
- v. That the Bank of England may advance 8,000,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- vi. That the Treasury may cause the bills to be delivered to the Bank of England as security for advances.
- vii. That the Treasury may apply the money raised to the services of the year.
- viii. That the principal sum or sums of money to be contained in all such Exchequer bills to be made forth by virtue of this Act, together with the interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland in the next succeeding quarter to that in which the said Exchequer bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the time being, or any three or more of them, and they are hereby authorized, from time to time, by warrant under their hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such manner

as they shall think necessary, to grant a credit on the Exchequer funds in the Bank of England unto such person or persons as shall be named in the said warrant, which credit shall be chargeable on and paid out of the growing produce of the said Consolidated Fund of the next succeeding quarter to that in which the said Exchequer bills have been issued, any sum or sums of money not exceeding in the whole a sum sufficient to discharge and pay off the principal sum or sums of money contained in such Exchequer bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such interest as may be due thereupon.

CAP. XIX.

AN ACT for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishopric of *Durham*.

(21st June 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *The Palatine jurisdiction of the Bishop of Durham to be separated from the Bishoprick and vested in the Crown.*
2. *County Court to cease.*
3. *Custos Rotulorum to be appointed.*
4. *Compensation to persons affected by the provisions of the Act.*
5. *Restrictions as to compensations.*
6. *Reservation of patent fees to patentees.*
7. *Extent of the words "County of Durham."*
8. *Commencement of Act.*
9. *Reservation of rights to the bishoprick.*
10. *The Bishop to take and hold subject to future provisions.*

By this ACT, it is Enacted,

I. That from and after the commencement of this Act the Bishop of Durham for the time being shall have and exercise episcopal and ecclesiastical jurisdiction only; and that from and after the commencement of this Act the palatine jurisdiction, power, and authority heretofore vested in and belonging to the Bishop of Durham shall be separated from the bishoprick of Durham, and shall be transferred to and vested in His Majesty, his heirs and successors, as a franchise and royalty separate from the Crown, and shall be exercised and enjoyed by His Majesty, his heirs and successors (as a separate franchise and royalty), in as large and ample a manner in all respects as the same has been heretofore exercised and enjoyed by the Bishop of Durham; and that all forfeitures of lands or goods for treason or otherwise, and all mines of gold and silver, treasure trove, deadlands, escheats, fines, and amerciaments, and all *jura regalia* of what nature or kind soever, which, if this Act had not passed, would or might belong to the Bishop of Durham for the time being, in right of the county palatine of Durham, shall be vested in and belong to His Majesty and his successors in right of the same: Provided always, that nothing hereinbefore contained shall prejudice or affect the jurisdiction of any of the courts of the said county palatine, or any appointment heretofore made to any office in the said county palatine, or any act whatsoever heretofore done by the Bishop of Durham in right of the said county palatine.

II. That from and after the commencement of this Act all the power, authority, and jurisdiction of the Court called "The Court of the County of Durham," and of the clerk of the Court of the County of Durham as Judge of the same court or otherwise, shall cease and determine; subject nevertheless and without prejudice to any proceedings then depending in such court, as to which the authority and jurisdiction of the said court and of the present clerk of the said court shall continue in full force and effect, notwithstanding the passing of this Act; and in case of the death or removal from office of the present clerk of the said court whilst any such proceedings as aforesaid shall be still depending therein, the under-sheriff of the said county shall and may, for the purpose of any such proceedings, act as Judge of the said Court, and exercise the same power, authority, and jurisdiction as the present clerk of the said court might have exercised if still living and continuing in office: Provided always, that after the commencement of this Act the sheriff for the time being of the said county palatine shall and may have and exercise the same power of holding a county court, and the same jurisdiction therein, as is usually had and exercised by sheriffs of other counties in England.

III. That after the passing of this Act it shall be lawful for His Majesty, and his successors to appoint a *Custos Rotulorum* of the said county of Durham, and from time to time to appoint to that office on every future vacancy thereof.

And after noticing that it is expedient that due provision shall be made for the compensation of any person or persons deprived of his or their office or offices in the county of Durham, for the losses he or they may sustain by the abolition of his or their office or offices, or reduction of his or their fees, by virtue or in consequence of this Act:—

It is Enacted,

IV. That from and after the commencement of this Act there shall be issued, paid, and payable, out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the person or the several persons appointed before the 25th of March, 1836, to any office or offices in the county of Durham which shall be abolished or affected by virtue of this Act,

free and clear of all taxes and deductions whatsoever, such sums of money, at such times, by way of annuity, or otherwise, as having regard to the manner of his or their appointment to such office or offices, and the term and duration thereof, and all the circumstances of the case, shall be adjudged and determined to be due to such person or persons respectively by any commission to be appointed by His Majesty, or by virtue of any Act of Parliament, for the purpose of determining the amount of the compensation that ought to be due and payable in such cases; and that in the meantime and until compensation shall be awarded and determined in manner aforesaid, or the time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three of them, to issue their warrants for the payment to such person or persons as aforesaid, out of the said Consolidated Fund, of such half-yearly or quarterly allowances as to the said Commissioners shall seem reasonable, both as to the amount and times of payment, on account of such compensation as may thereafter be awarded to the said parties respectively.

v. Provided, That no person shall be entitled to receive any such compensation or allowance as aforesaid who shall not previously make a full and true statement to the said Commissioners of His Majesty's Treasury, to be verified on oath before a Judge, or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the amount of the salary, fees, and emoluments of such office, and of the disbursements and outgoings of the same, for the space of ten years before the passing of this Act; and that such compensation or allowance shall cease altogether or be reduced in amount, as the case may be, whenever the party entitled to receive the same shall be placed in any other public office of which the salary and emoluments shall be equal to the whole or to part of such compensation or allowance, so that in the last-mentioned case no person shall be entitled to receive more of such compensation or allowance than shall be equal to the difference between the full amount thereof, and the amount of the salary and emoluments of the office in which he may be hereafter placed.

vi. Provided, That nothing in this Act contained shall affect the right of any person holding a patent of any office, whether abolished by this Act or not, to receive any fee or stipend granted by such patent out of the revenues of the bishoprick of Durham; and that such revenues shall continue and be subject to all the same fees and stipends in respect of any office in the said county of Durham as the same have been heretofore subject to.

vii. That in the interpretation of the clauses and provisions hereinbefore contained the words "County of Durham" shall comprise and mean the county of Durham and Sadberge, including the detached parts of Craikshire, Bedlingtonshire, Northamshire, Allertonshire, and Islandshire, and all other places heretofore within the jurisdiction of the Bishop of Durham in right of the said county palatine.

viii. That this Act shall, as to all the foregoing matters not otherwise provided for, commence and take effect upon and from the 5th of July in this present year, and shall, as to all the matters hereinafter provided for, commence and take effect from the passing thereof.

ix. Provided, That nothing hereinbefore contained shall have the effect of severing or separating from the said bishoprick, or of affecting the rights and powers of the said bishop in, over, or upon or with respect to any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits, or emoluments of any kind or description whatsoever, whether held in right of the said bishoprick or in right of the said county palatine, or otherwise howsoever, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

x. That from and after the passing of this Act the Bishop of Durham elect, or Bishop of Durham for the time being, shall take and hold the said bishoprick, and all the property, patronage, and rights belonging thereto, except as hereinbefore provided, subject to and under any provisions which shall be made by or under the authority of Parliament with respect to the said bishoprick within the space of three years next after the passing of this Act; any law, statute, or canon to the contrary notwithstanding.

CAP. XX.

AN ACT for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.

(21st June 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Restrictions on ecclesiastical persons granting leases.*
2. *Recitals of lease to be taken as evidence of fact.*
3. *Penalty on persons introducing recitals into lease, knowing the same to be false.*
4. *Ecclesiastical persons may grant certain leases conformable to usual practice.*
5. *Not to prevent ecclesiastical persons effecting exchanges under certain conditions.*
6. *Not to prevent grants under Acts of Parliament.*
7. *Nor for same term as preceding leases.*
8. *Act not to render valid illegal leases.*
9. *Leases contrary to this Act void.*
10. *Act not to extend to Ireland.*
11. *Act may be altered this session.*

By this Act,

After reciting that it is expedient that such provision as is hereinafter contained should be made respecting the granting of ecclesiastical leases :—

It is Enacted,

i. That after the passing of this Act no archbishop or bishop, ecclesiastical corporation sole or aggregate, dignity, canon, or prebendary, or other spiritual person, nor any master or guardian of any hospital, shall grant any new lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, by way of renewal of any lease which shall have been previously granted of the same for two or more lives, until one or more of the persons for whose lives such lease shall have been so made shall die, and then only for the surviving lives or life and for such new life or lives as, together with the life or lives of such survivor or survivors, shall make up the number of lives, not exceeding three in the whole, for which such lease shall have been so made as aforesaid; and that where any such lease shall have been granted for forty years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian, shall grant any new lease, by way of renewal of the same, until fourteen years of such lease shall have expired; and that where any such lease shall have been made as aforesaid for thirty years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same, until ten years of such lease shall have expired; and where any such lease shall have been granted for twenty-one years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian shall grant any new lease, by way of renewal of the same or (in the case of archbishops or bishops) concurrently therewith, until seven years of such lease shall have expired; and that where any such lease shall have been granted for years no such archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian shall grant any lease, by way of renewal of the same or otherwise, for any life or lives; any law, statute, or custom to the contrary notwithstanding.

ii. That whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian shall hereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, such lease shall contain a recital or statement, in the case of a lease for lives, setting forth the names of the several persons named as cestuique vie in the then last preceding lease of the same premises, and stating which of such persons, if any, is or are then dead, or for whose life that of some other person has been exchanged by virtue of the proviso hereinafter contained, and in case of a lease for years setting forth for what term of years the last preceding lease of the same premises was granted, and how much of such term has then expired, and how much remains to come and unexpired, every such recital or statement shall, so far as relates to the validity of the lease so to be granted as aforesaid, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated.

iii. That if any person shall execute any such lease, or any counterpart thereof, knowing such recital or statement, or any part thereof, to be false, or shall wilfully introduce or cause to be introduced, or aid or assist in introducing, any such recital or statement into any such lease knowing the same or any part thereof to be false, or shall prepare or ingross, or cause to be prepared or ingrossed, any lease or counterpart of a lease containing any such false recital or statement as aforesaid, knowing the same or any part thereof to be false, every person so offending shall be deemed and taken to be guilty of a misdemeanor; and every person so offending shall, in addition to any punishment to which he may be liable, forfeit and pay to any person suing for the same the full sum of 500*l.*, or, at the option of such person, five years improved annual value of the hereditaments comprised in such lease.

iv. Provided, That in cases where it shall be certified in manner hereinafter mentioned that for ten years now last past it hath been the usual practice (such practice having in the case of a corporation sole commenced prior to the time of the person for the time being representing such corporation) to renew such leases for forty, thirty, or twenty-one years respectively, at shorter periods than fourteen, ten, or seven years respectively, nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian from granting a renewed lease conformably to such usual practice; provided that such usual practice shall be made to appear to the satisfaction of the archbishop of the province in the case of a lease granted by such archbishop or by a bishop, and in the case of a lease granted by any other corporation or person to the satisfaction of such archbishop and also of the bishop having jurisdiction over such corporation or person, and shall before the granting of such lease be certified in writing under the hand of the archbishop in the one case, and of the archbishop and bishop in the other case; the certificate so signed by an archbishop only to be afterwards deposited in the registry of such archbishop, and the certificate so signed by an archbishop and also by a bishop to be afterwards deposited in the registry of such bishop, which certificate shall be conclusive evidence of the facts thereby certified.

v. Provided, That nothing herein contained shall prevent any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignity, canon, prebendary, spiritual person, master, or guardian from exchanging any life or lives in being, for which any lease shall have been granted as aforesaid, and accordingly granting any renewed lease with a view to effectuate such exchange of a life or lives; provided that the same shall be approved of (in the case of an archbishop) by His Majesty in council, or (in the case of a bishop) by the archbishop of the province, or (in the case of any inferior corporation or person) by the archbishop of the province and bishop of the diocese; such approbation, when required to be given by His Majesty in council, to be testified by the President of the Council certifying on the renewed lease to be granted as aforesaid such approbation, and in all other cases to be testified by the person or persons whose approval is hereby required certifying on such renewed lease his or their approbation of the same.

vi. Provided, That nothing in this Act contained shall prevent any grants or renewals of leases which may have been authorized by Acts of Parliament specially relating to the particular estates demised by such leases.

VII. Provided, That nothing in this Act contained shall prevent a lease from being granted, with a view to confirm any title or otherwise, for the life or lives of the same person or persons or for the lives or life of the survivors or survivor of them, or for the same term of years, and commencing at the same period, as the lease last granted for a life or lives or a term of years respectively.

VIII. Provided, That no lease not authorized by the laws and statutes now in force shall be rendered valid by anything in this Act contained.

IX. That if any lease contrary to this Act shall have been granted since the 1st of March 1836, or shall be granted after the passing of this Act, every such lease shall be void to all intents and purposes whatsoever: Provided always, that nothing in this Act contained shall be deemed or taken to affect any lease granted or to be granted pursuant to any covenant or agreement entered into previously to the 1st of March 1836.

X. That nothing in this Act contained shall be deemed or taken to extend to Ireland.

XI. That this Act may be altered or amended by any Act during this present session of Parliament.

CAP. XXI.

AN ACT to provide that Persons in *Scotland* accused of Letter Stealing shall not be entitled to Liberation on Bail unless in certain Cases.

(21st June 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons in Scotland accused of Letter Stealing not to be entitled to insist on liberation on bail.*
2. *Judges of the Court of Justiciary, or sheriff, or sheriff substitute, may admit to bail.*
3. *Act may be altered this session.*

By this Act,

After reciting that by the law of Scotland persons committed for any crime or offence of which the punishment is not capital are entitled to be liberated on bail, excepting in the case of forgery, as provided under the 5 & 6 Will. 4. c. 73, and that an Act, 5 & 6 Will. 4. c. 81, intituled, 'An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege:' and that it is expedient that no person in Scotland committed on charge of letter stealing or other crime or offence against the Post Office described and enumerated in the said last-recited Act should be entitled to insist on liberation on bail,—

It is Enacted,

I. That from and after the passing of this Act no person in Scotland committed for trial on charge of letter stealing or other crime or offence against the Post Office described and enumerated in the said last-recited Act shall be entitled to insist on liberation on bail; without prejudice nevertheless to the liberation of any such person as heretofore with the consent of the public prosecutor, and on such bail only as he may agree to.

II. Provided, that it shall be in the power of any one of the Judges of the Court of Justiciary in Scotland, or of the sheriff or sheriff substitute of the county within which any person accused of letter stealing or other crime or offence against the Post Office aforesaid shall be committed, to admit such person to bail; provided that it shall appear to the Judge to be consistent with the ends of justice so to do; and the bail to be taken shall be of such amount as such Judge shall in the circumstances of the case think necessary for insuring the appearance for trial of the person accused; any Act or Acts of Parliament, or any law or practice in Scotland, in anywise to the contrary notwithstanding.

III. That this Act may be repealed or altered by any Act or Acts to be passed in the present session of Parliament.

CAP. XXII.

AN ACT to enable Bastards in *Scotland* to make Testaments.

(21st June 1836.)

By this Act,

After reciting that it is just, humane, and expedient that bastards or natural children in Scotland should have the power of disposing of their moveable estates by testaments or last wills,—

It is Enacted,

That from and after the passing of this Act it shall be lawful to bastards or natural children domiciled in Scotland to dispose of their moveable estates by testament or last will, in like manner as other persons belonging to that country may do; any law or practice to the contrary notwithstanding.

CAP. XXIII.—IRELAND.

AN ACT to continue for Three Years, and from thence to the End of the then next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*.

(1st June 1836.)

CAP. XXIV.

AN ACT to render valid certain Marriages solemnized in a Chapel of Ease, in the Parish of *Wandsworth* in the County of *Surrey*, called *St. Ann's* Chapel.

(1st June 1836.)

By this Act, it is Enacted and Declared,

- I. That marriages already solemnized in Saint Ann's chapel, Wandsworth, shall be valid.
- II. That ministers solemnizing such marriages, &c. shall not be liable to penalties.
- III. That the registers of such marriages or copies shall be evidence.
- IV. That this Act shall not authorize future marriages in the chapel.

CAP. XXV.

AN ACT for granting an additional Rate of Postage on Letters between *Great Britain* and *Ireland* by way of *Milford* and *Waterford*.

(1st June 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Additional rates of postage on certain letters.*
2. *Application of such rates.*
3. *Commissioners of Exchequer Bills in aid of Public Works may advance money for improving certain roads.—How such advances to be repaid.*
4. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to improve the communication by the post between Great Britain and Ireland by way of *Milford* and *Waterford*, and to provide security for the repayment of the principal and interest of any advances which may be made for that purpose by the imposition of a small additional rate of postage on letters and packets passing by that route,—

It is Enacted,

1. That from and after the passing of this Act it shall and may be lawful for the Postmaster General for the time being and he is hereby required to charge and levy on all letters and packets conveyed by post to and from Great Britain and Ireland, or to and from any part beyond the seas and Ireland, by way of *Milford* and *Waterford*, in addition to the rates and duties now payable by law for the conveyance by the post of such letters and packets, the rates and duties following; (that is to say,)

For every single letter the additional sum of one halfpenny:

For every double letter the additional sum of one penny:

For every treble letter or other letter under an ounce in weight the additional sum of one penny halfpenny:

And for every ounce in weight the additional sum of two-pence, and so in proportion for every letter or packet of greater weight than an ounce, reckoning every quarter of an ounce equal to a single letter:

And all the powers and authorities given by law for the recovery of the postage of letters shall be in force and applicable to the additional duties hereby imposed, and the same shall be charged, paid, and regulated by and be subject to the same rules, regulations, and exemptions as are now in force as to the rates and duties payable on such letters.

- II. That the sum and sums of money arising from the additional rates and duties of postage hereinbefore granted shall be paid over from time to time to the Receiver General for the time being of the revenue of the Post Office of Great Britain, who shall pay the same into the receipt of His Majesty's Exchequer, when he shall pay into such receipt the other rates and duties of postage by him received (the necessary charges for paying, collecting, and accounting for the said additional rates and duties, and the monies to be paid to the Commissioners for the Issue of Exchequer Bills, as hereinafter mentioned, being first deducted) distinguishing the same in his accounts, and paying such sum and sums of money for and on account of the *Milford* Road Fund,

and the said sum and sums of money so paid shall be carried to the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

And after reciting that that the roads within the county of Pembroke forming part of the communication by post between Great Britain and Ireland by way of Milford and Waterford, as well as parts of the road in the counties adjoining the said county of Pembroke, are in an imperfect state, and it is expedient to improve the same, and to make new lines of road therein;

It is Enacted,

III. That it shall and may be lawful for the Commissioners for the issue of Exchequer Bills in aid of Public Works to advance from time to time, by way of loan, to the trustees for the time being of the said roads, upon their application, such amount of Exchequer bills, and on such terms and conditions, as to the said Commissioners shall seem fit, to be advanced for the purpose of improving the said roads or making any new lines of road, as to the Lords Commissioners of His Majesty's Treasury or any three of them shall seem fit; and the said tolls now collected or hereafter to be collected on the said roads or any such new lines, subject only to such charges as the same may now be liable to, shall be charged with the repayment of all and every such advances and interest thereon; and if the said tolls shall not be sufficient for that purpose, then the said additional postages shall be charged with the repayment of such advances and interest, or so much thereof as the said tolls shall be insufficient to pay; and the said trustees for the time being of the said roads are hereby authorized to assign the said tolls, subject as aforesaid, to the Secretary for the time being of the said Commissioners for the issue of Exchequer Bills, for securing the payment of such advances and interests; and it shall be lawful for the said Lords Commissioners of the Treasury, or any three or more of them, from time to time to direct the Receiver General for the time being of the Revenue of the Post Office of Great Britain, out of the produce of the said additional rates of postage in his hands, to pay such sums to the said Commissioners for the issue of Exchequer Bills, or their secretary for their use, as may at any time be necessary to make good any deficiency in the said tolls, to satisfy the payment of any such advances and interests, at the times and in the manner that shall be agreed upon for payment of the same; and if there be not a sufficient amount of the produce of the said additional rates of postage in the hands of the said Receiver General, then it shall be lawful for the said Lords Commissioners or any three or more of them, to direct payment of so much as will make up such deficiency out of any money in the hands of the Receiver General of the Post Office: Provided always, that the said Receiver General shall have paid into the receipt of the Exchequer so much of the produce of the said additional postage as amounts to the sum so directed to be paid.

IV. That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XXVI.

AN ACT for granting to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six.

(4th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Duties.
2. Bounties granted by 3 & 4 Will. 4. c. 58. continued.
3. Foreign sugar not to be imported into certain British possessions.
4. Sugar not to be imported at a lower rate of duty.
5. Certificate of origin.
6. Governor General may appoint persons to give certificates.
7. Separate accounts to be kept in the office of the Comptroller General of the Exchequer of the duties arising in Great Britain.—
Monies arising in Ireland to be paid into the Exchequer there.
8. The Treasury may direct Exchequer bills to be made out not exceeding 3,000,000*l*.
9. Powers of 48 Geo. 3. c. 1. extended to this Act.
10. Exchequer bills to bear an interest.
11. Bank of England may advance money on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
12. Bills to be delivered to the Bank of England, as security for the advances.
13. Exchequer bills to be charged on the duties granted by this Act.
14. Money due on Exchequer bills to be paid out of the next aids.
15. Surplus monies to be carried to the Consolidated Fund.
16. The Treasury to allow the necessary charges of making forth new Exchequer bills.
17. Money issued to be replaced out of the first supplies.
18. Act may be altered this session.

By this Act, the Commons granted, and it is Enacted,

1. That on and from and after the 5th of July 1836 and until the 5th of July 1837, there shall be raised, levied, collected, and paid unto His Majesty, his heirs and successors, the duties of Customs following; (that is to say,)

Sugar; <i>videlicet</i> ,	£.	s.	d.
— Brown or Muscovado or clayed Sugar, not being refined, the Hundred Weight.....	3	3	0
— the Growth of any British Possession in America, and imported from thence, the Hundred Weight	1	4	0
— the Growth of any British Possession within the Limits of the East India Company's Charter, into which the Importation of Foreign Sugar may be by this Act prohibited, and imported from thence, the Hundred Weight	1	4	0
— the Growth of any other British Possession within those Limits, and imported from thence the Hundred Weight.....	1	12	0
— Molasses, the Hundred Weight	1	3	9
— the Produce of and imported from any British Possession, the Hundred Weight	0	9	0
— refined, the Hundred Weight	8	8	0
— Candy, Brown, the Hundred Weight.....	5	12	0
— White, the Hundred Weight.....	8	8	0

Which several duties shall be raised, levied, collected, and paid in like manner as if such duties had been imposed by an Act, 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs.'

II. That the bounties granted by an Act, 3 & 4 Will. 4. c. 58, intituled, 'An Act to grant certain Bounties and Allowances of Customs,' upon all sugars therein mentioned exported from the United Kingdom, shall be and the same are hereby continued so long as the duties on the importation of sugar imposed by this Act shall remain in force or be further continued by any Act hereafter to be passed.

III. That from and after the 1st of December 1836 it shall not be lawful to import into any part of the presidency of Fort William in Bengal, or of any dependency thereof, being a British possession, any foreign sugar, nor any sugar the growth of any British possession into which foreign sugar can be legally imported, save and except into such districts or provinces of the said presidency or of the dependencies thereof as shall be appointed by the Governor General of India in council.

IV. Provided, That no sugar the produce of any district or province in respect of which any such order or orders shall be issued shall be imported into any part of the United Kingdom at the lower rate of duty proposed by this Act.

V. That before any sugar shall be entered as being of the produce of any of the provinces composing the presidency of Fort William in Bengal, or of any of the dependencies thereof, being a British possession, at the lower rate of duty fixed by this Act, the master of the ship importing the same shall deliver to the Collector or Comptroller of the Customs at the port of importation a certificate under the hand and seal of the Collector of Sea Customs of the port where such sugar was taken on board within the limits of the presidency of Fort William in Bengal, or of any of the dependencies thereof, being a British possession, testifying that there had been produced to him by the shipper of such sugar a certificate under the hand and seal of the Collector or Assistant Collector of the Land or Custom Revenue of the district within which such sugar was produced that such sugar was of the produce of the district, and that the importation into such district of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited; which certificate so granted by the said Collector of Sea Customs shall state the name of the districts in which such sugars were produced, their quantity and quality, the number and denomination of the packages containing the same, and the name of the ship in which they are laden, and of the master thereof; and that such master shall also make a declaration before the Collector or Comptroller that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

VI. Provided, That it shall be lawful for the Governor General of India in council to appoint any officer or officers, other than the said Collector and Assistant Collector of Land Revenue and the Collector of Customs, to give such certificates.

[The 7th and following sections are similar to the 3rd and subsequent sections of 4 Will. 4. c. 5, for which see Abridgment of Statutes, Law Journal, 1834.]

CAP. XXVII.

AN ACT for investing in Government Securities further Portions of the Cash lying unemployed in the Bank of England belonging to Bankrupts Estates

(4th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Part of the money in the Bank belonging to bankrupts' estates to be carried to an account to be called "The Bankruptcy Fund Account."
2. Securities purchased under this Act subject to like orders as securities purchased under recited Act.
3. In certain cases the Lord Chancellor may order the securities purchased under this Act to be sold.
4. Expenses of proceedings under this Act to be paid out of the fund.
5. If money not sufficient for the purposes of this Act, the same to be made good by Parliament.
6. As to the exercise of the powers given by this Act.
7. Official assignee to file certificate of unclaimed dividends.

8. *Such unclaimed dividends to be paid to the Unclaimed Dividend Account.*
 9. *Act may be altered this session.*
 10. *Public Act.*

By this Act,

After reciting that by 6 Will. 4. c. 29, it was enacted, that out of the cash belonging to the estates of bankrupts or to suitors in matters of bankruptcy then lying or which thereafter should lie dead and uninvested in the name of the Accountant General of the Court of Chancery or of the Accountant in Bankruptcy, any sum or sums, not exceeding in the whole the sum of 300,000*l.*, might, by virtue of any order or orders of the Lord High Chancellor to be made for that purpose, from time to time be placed out, in one entire sum or in parcels, in the name of the said Accountant General or of the Accountant in Bankruptcy, on such government or parliamentary securities as in and by such order or orders should be directed, and that such securities should be carried to an account, to be intituled, "The Bankruptcy Fund Account," subject to such rules and orders as the Lord High Chancellor should think fit to prescribe for the purposes in the said Act mentioned; and it was further enacted, that the interest and dividends of all the securities to be purchased under the authority of the said Act should from time to time be received by the Governor and Company of the Bank of England, and should be carried to an account, to be intituled "Interest arising from the Bankruptcy Fund Account," to the credit of the Accountant General in Chancery or the Accountant in Bankruptcy, as the circumstances might require: And that, pursuant to the provisions of the said Act, the sum of 300,000*l.* has been already invested in the purchase of 221,606*l.* 13*s.* 3*d.* three per cent. reduced bank annuities, and of 109,242*l.* 16*s.* 9*d.* three per cent. consolidated bank annuities, and such two several sums are now standing at the Bank of England, in the name of the Accountant in Bankruptcy, to the credit of the said account intituled "The Bankruptcy Fund Account": And that there is still a large sum of money belonging to bankrupts' estates or the suitors in bankruptcy, standing in the name of the said Accountant in Bankruptcy, now lying dead and unemployed at the Bank of England:—

It is Enacted,

I. That out of the cash so now lying or which shall hereafter lie dead, and uninvested on securities in the Bank of England in the name of the Accountant in Bankruptcy, any sum or sums of money shall and may, by virtue of any order or orders of the Lord High Chancellor to be made for that purpose, from time to time be placed out and invested, in one entire sum or in parcels, in the name of the said Accountant in Bankruptcy, on such government or parliamentary securities as in and by such order or orders shall be directed; and such securities shall be carried to the said account intituled "The Bankruptcy Fund Account"; and the interest and dividends of all the securities so to be purchased shall from time to time be received by the Governor and Company of the Bank of England, and be carried to the said account intituled "Interest arising from the Bankruptcy Fund Account," to the credit of the Accountant in Bankruptcy.

II. That all securities to be purchased under the provisions of this Act shall be subject to the like rules and orders of the Lord High Chancellor, and shall be liable to be varied from time to time under the authority of the said Lord High Chancellor, in like manner as by the said recited Act is provided as to the securities purchased by virtue thereof; and the interest and dividends of all securities to be purchased under the authority of this Act shall be subject to the like rules and orders of the said Lord High Chancellor, and shall be applied in like manner and to the like purposes as the interest and dividends of the securities purchased by virtue of the said recited Act.

III. That if at any time hereafter the whole or any part of the money placed out in pursuance of this Act, shall be wanted to answer any demands due in respect of any bankrupts' estates, or if it shall at any time appear to the Lord Chancellor that the balance of cash remaining to the credit of the Accountant in Bankruptcy is not so large as it ought to be, having regard as well to the convenience of the suitors in bankruptcy as also to the necessity of affording a fair remuneration to the Bank of England for keeping the bankruptcy account of the Accountant in Bankruptcy, the Lord High Chancellor may direct the whole or any part of the securities to be purchased under the provisions of this Act to be sold and disposed of, and the money arising from such sale to be paid into the Bank of England in the name of the said Accountant in Bankruptcy, and to be applied by him in such manner as the Lord High Chancellor shall direct.

IV. That out of the interest and dividends of the said government or parliamentary securities to be purchased as aforesaid the costs, charges, and expenses of all proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of England, by virtue of any order of the said Lord High Chancellor.

V. That if at any time hereafter the whole or any part of the money to be laid out in pursuance of this Act shall be wanted to answer the demand of any bankrupts or their creditors or other persons interested therein, and the stocks, funds, and cash then standing in the name of the said Accountant in Bankruptcy to the several accounts before mentioned shall not be sufficient to raise and produce such money, then and in such case the money which shall have been invested under the provisions of this Act shall be considered a debt due from the public, and, to such extent as may be necessary, shall be answered and made good by Parliament accordingly.

VI. That the powers and authorities given by this Act to the Lord High Chancellor shall and may be exercised in like manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the time being.

And after mentioning that by the before-recited Act it is enacted, that certain unclaimed dividends and undivided surplus of bankrupts' estates should be paid into the Bank of England to the credit of the Accountant in Bankruptcy: And that a doubt has arisen whether the provisions in such Act extend to the case of fiats where official assignees have been appointed, and who have not unclaimed dividends or undivided surplus in their hands, such dividends or surplus being, according to the provisions of the said Act, kept at the Bank of England;—

It is Enacted,

VII. That every official assignee shall cause a certificate to be filed of all unclaimed dividends and undivided surplus belonging to any bankrupt's estate under his care and management, in such manner and subject to such provisions and penalties as by the said Act is prescribed with respect to the unclaimed dividends and undivided surplus therein mentioned, and as if such official assignee had such before-mentioned unclaimed dividends or undivided surplus in his own hands.

VIII. That such last-mentioned unclaimed dividends and undivided surplus, and any penalty payable by any official assignee in respect thereof, shall be paid into the Bank of England, in the name of the Accountant in Bankruptcy, to the account intitled "The Unclaimed Dividend Account," and shall be subject to such order and orders as in such Act are prescribed or authorized in respect to the unclaimed dividend and undivided surplus therein mentioned.

IX. That this Act may be altered, varied, or repealed by any Act to be passed in this session.

X. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges and others, without being specially pleaded.

CAP. XXVIII.

AN ACT to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General, and Commissioners of Land Revenue, Customs, Excise, Stamps and Taxes.

(4th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons required to give security to different departments of the revenue may do so by a transfer of stock or deposit of Exchequer bills.*
2. *Such stock or bills to be sold upon certificate of default in the conditions of deposit, and the produce paid to the department suffering by the default.*
3. *Such stock or bills to stand in the Bank books in the name of the Postmaster General, &c., and not be transferred except upon certificate.*
4. *Form of certificate.*
5. *A declaration of the purposes for which the security is given to be made in the form given in the Schedule.*
6. *Such declaration to apply to Exchequer bills received in exchange for those deposited.*
7. *The Commissioners of the Treasury, Postmaster General, &c. not personally liable for acts done by them in pursuance of this Act.*
8. *Stock so transferred and Exchequer bills so deposited to vest in successors of depositors.*
9. *Dividends and interest upon such deposits to be paid to the Receivers General of the respective departments, who are to pay them to the depositors.*
10. *Such stock or Exchequer bills to be transferred upon certificate that security is no longer required.*
11. *Re-transfer to personal representatives of depositors.*
12. *Joint stock companies may have the benefit of this Act.*
13. *Governor and Company of the Bank of England indemnified for any acts done by them in pursuance of this Act.*
14. *Courts at Westminster to determine disputes about defaults; and may order the repayment of money paid by virtue of this Act.*
15. *Sums paid to be allowed in account to Receiver General paying them.*
16. *Judges may direct questions to be tried by a jury.*
17. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to enable persons and bodies corporate from whom security may be required in respect of any matter relating to the revenues of the Post Office, Land Revenue, Customs, Excise, Stamps, or Taxes, in lieu of giving such security by bond, to give the same by transfer of stocks or deposit of Exchequer bills in the manner hereinafter mentioned:

It is Enacted,

I. That from and after the passing of this Act it shall be lawful for any person or persons or for any bodies corporate from whom any such security is required, and who may be desirous of adopting the provisions of this Act, in lieu of giving the same by bond, by and with the consent of the Commissioners of His Majesty's Treasury, or any three or more of them, to transfer into the name of the Postmaster General, or of the Chief Commissioner of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of the chairman for the time being of the Commissioners of that department of the revenue in respect of which such security is required, in the books of the Governor and Company of the Bank of England, so much of any public stock standing in the said books in the name or names of such person or persons or bodies corporate, or to deposit in the Bank of England in the name of the said Postmaster General, or Chief Commissioner, or of such chairman, such an amount of Exchequer bills as shall be in the judgment of the said Commissioners of His Majesty's Treasury, or any three or more of them, a sufficient security and indemnification against all contraventions of the duty or purpose for the due performance of which such security was required.

II. That it shall be lawful for the said Postmaster General upon the certificate of the Accountant General of the Post Office, and for such Chief Commissioner and for such chairman as aforesaid upon the certificate of any two or more of the Commissioners of such department of the revenue, that the revenue has been damaged by any act done or any payment or duty omitted in contravention of the duty or purpose for the due performance of which such security was required as hereinbefore mentioned, and they and each of them are required to sell so much of such stock or of such Exchequer bills as shall be necessary to make good any loss so occasioned, and to pay the proceeds thereof to the Receiver General of that department of revenue in respect of which such loss has been sustained.

III. That when any stock shall be transferred, or any deposit of Exchequer bills shall be made, in pursuance of this Act, the said stock shall be transferred into and the said Exchequer bills shall be deposited in the name of His Majesty's Postmaster General, the said Chief Commissioner or the chairman of the board of Customs, Excise, or Stamps and Taxes, as the case may be, and the account into which such stock shall be transferred or in which such deposit shall be made shall be so headed in the books of the Governor and Company of the Bank of England, and no transfer of such stock, or delivery or sale of such Exchequer bills, shall be made, except upon such certificate as is herein mentioned.

IV. That every such certificate shall be drawn up in the form given in the Schedule annexed to this Act.

V. That upon every such transfer or deposit as aforesaid a declaration of the purposes for which the security is given, in the Form given in the Schedule annexed to this Act, shall be signed by the person or persons, or by the treasurer or secretary or other chief officer of any body corporate, transferring such stock or making such deposit, and by the Postmaster General, or the said Chief Commissioner, or by any two or more of the Commissioners of the department of the revenue requiring such security; and such declaration shall be deposited with the said Postmaster General, such Chief Commissioner, or with such Commissioners.

VI. That the declaration to be signed as aforesaid, and all the provisions in this Act contained relating to the deposit of Exchequer bills, shall be deemed to apply as well to the particular bills so to be deposited as to any other bills to be received from time to time in exchange for such bills, or for the bills from time to time received in exchange in consequence of such bills or any of them being ordered to be paid off.

VII. That neither the Commissioners of His Majesty's Treasury, nor the said Postmaster General, nor the said Chief Commissioner, nor the said chairman, nor the said Commissioners of the said departments of the revenue, nor any of them, shall be in any way personally liable for any act done by them or any of them in pursuance of this Act; but that all actions and suits, both at law and in equity, commenced against them or any of them in pursuance of this Act, shall be null and void, and shall be quashed and vacated, upon summary motion, by the court in which they are commenced, which court is hereby required to give to the defendant in such an action or suit the full costs of such motion, to be taxed as between attorney and client.

VIII. That all stock transferred to and all deposits of Exchequer bills made in the name of the said Postmaster General, or of such Chief Commissioner, or of the said chairman respectively, by virtue of this Act, shall have the effect of vesting such stock or Exchequer bills for the purposes of this Act in the Postmaster General, such Chief Commissioner, and in such chairmen for the time being, and their successors, who are hereby authorized and required to make sales of stock and Exchequer bills as is herein mentioned.

IX. That the dividends upon all stock so transferred, and the interest upon all Exchequer bills so deposited, shall be paid to the Receivers General of the respective revenues herein mentioned, and the receipts of such Receivers General shall be a sufficient discharge for the same; and the dividends upon all stock so transferred, and the interest upon all such Exchequer bills, shall be paid to the respective parties transferring such stock or depositing such Exchequer bills by the respective Receivers General, upon the production of an order for that purpose from the Postmaster General, or such Chief Commissioner, or the Commissioners of the respective revenues, or any two of them, with whom such deposits have respectively been made.

X. That it shall be lawful for the said Postmaster General, such Chief Commissioner, and for the chairman respectively, and their successors, and they are hereby required, upon the application of the person or persons or bodies corporate transferring such stock or depositing such Exchequer bills, and upon the certificate of the Accountant General of the Post Office, or of any two or more of the Commissioners of the revenue upon whose account such transfer or deposit has been made, that such transfer or deposit is no longer necessary for the security of the revenue under their charge, to re-transfer such stocks or to deliver up such Exchequer bills to the person or persons or bodies corporate who transferred or deposited the same.

XI. That such re-transfer or delivery made to the personal representatives of any person or persons transferring or depositing such stock or Exchequer bills shall be valid and effectual to all intents and purposes whatever.

XII. That where any joint stock companies, having any joint stock or Exchequer bills in the name or names of any person or persons as trustees for the partners forming such company, shall be desirous of making any transfer of stock or deposit of Exchequer bills for the purposes mentioned in this Act, it shall be lawful for them so to do, and all the provisions in this Act shall apply to transfers and deposits so made.

XIII. That the Governor and Company of the Bank of England shall be and are hereby indemnified for any act done or permitted to be done by them in pursuance of this Act; and that all actions and suits, both at law and in equity, commenced against the said Governor and Company of the Bank of England for and in respect of any such act or acts shall be null and void, and shall be quashed and vacated, upon summary motion, by the court in which they are commenced; which court is hereby required to give to the defendant in such an action or suit the full costs of such motion, to be taxed as between attorney and client.

And after reciting that disputes may arise between parties making transfers and deposits in manner hereinbefore mentioned, whether any default has been made or any damage has been sustained to the amount certified in the manner hereinbefore mentioned;—

It is Enacted,

XIV. That all such disputes shall be determined in a summary manner in one or other of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer at Westminster, and that there shall be no appeal against any decision so made: Pre-

vided always, that if it shall seem just to the Judges of any of the said courts that any sum of money paid by virtue of this Act should be repaid, to order the Receiver General of the revenue to which it has been paid to repay the same to such person or persons and on such account as the said Judges shall think fit.

xv. That any sum of money paid by any Receiver General under such an order shall be allowed to him in account, and such Receiver shall not be again called upon for such sum in any manner whatsoever; and any proceedings instituted to compel such Receiver General to pay such sum shall be null and void, and shall be set aside by the court in which the same may have been instituted, upon summary motion.

xvi. That it shall be lawful for the Judges of any of the said courts to direct that any question arising before them upon such proceeding may be tried by a jury in such manner as such Judges shall direct.

xvii. That this Act may be altered, varied, or repealed by any Act to be passed in this present session of Parliament.

SCHEDULE to which this Act refers.

FORM OF DECLARATION.

It is hereby declared, That
[be] to the Amount of
of an Act of Parliament passed, *et cetera*.

has [transferred Stock, or hath deposited Exchequer Bills, as the Case may
as a Security for pursuant to the Provisions

FORM OF CERTIFICATE.

To His Majesty's Postmaster General, [or to the Chief Commissioner of His Majesty's Woods, Forests, Land Revenues,
Works, and Buildings, or chairman of as the Case may be.]

WHEREAS on the Day of Stock [or Exchequer Bills] were transferred [or deposited, as
the Case may be] as a Security for [state the Purpose for which the Security was given] This is to certify, that [state the Breaches]
and that the Revenue of hath been thereby damaged to the Extent of [or that such Se-
curity is no longer necessary].

CAP. XXIX.

AN ACT for improving the Police in the District of Dublin Metropolis.

(4th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. The Lord Lieutenant may establish a new police office, and appoint two persons as Justices of Police for the district of Dublin metropolis and the surrounding district, under the directions of the Chief or Under Secretary.—The Justices need not have any qualification of estate.—Proviso.
2. Oath to be taken by the Justices.
3. Salary of the Justices.
4. A Police Force for the whole district to be appointed.
5. The Justices may make regulations for the management of the Police Force.—Policemen may be suspended or dismissed by the Justices.
6. Penalty on publicans harbouring policemen during the hours of duty.
7. Powers of policemen.
8. Night constables may take bail for appearance of parties before a Justice, &c.
9. Punishing assaults on policemen.
10. The Treasury may appoint a person to be the Receiver of all monies applicable to the purposes of this Act, who shall give security.—Salary.—The money to be placed in the Bank of Ireland, and drawn out by the Receiver.—Receiver's drafts to be countersigned.
11. Receiver's accounts to be audited.
12. Receiver to pay the salaries and wages of the police under the directions of the Chief or Under Secretary;—as also rewards for activity, and superannuation allowances.
13. Upon the death or removal of a Receiver the balance of cash at the Bank shall be transferred to his successor.
14. Upon the removal of the Receiver his successor may sue for any balance remaining in his hands.—Mode of proceeding.—Special bail.—Court may refer the accounts to an officer or arbitrator.
15. Mode of proceeding against the representatives of a deceased Receiver.—Proof of the Receiver's official character.
16. The Receiver shall contract for any land or buildings that may be required.—The property to be vested in him.
17. Corporations and others empowered to sell land to the Receiver.—In case of disagreement, &c. value shall be assessed by a jury.
18. Upon the appointment of a Receiver the balance of cash at the Bank to the credit of the Receiver of the public offices shall be transferred to him.

19. *No Justice, &c. under this Act to sit in Parliament.*—No Justice, Receiver, policeman, &c. appointed under this Act to vote at certain elections.—Penalty 100*l.*—Proviso.
20. *The present police, &c. in the metropolitan district shall continue until it shall be notified that the new police is appointed, and then all watch-boxes, arms, &c. shall be given up to the new police.*—Penalty for not giving up the watch-boxes, &c.
21. *Power to set up watch-boxes.*
22. *No constable to be a menial servant, &c.*
23. *No brewer, &c. to hold any police office.*
24. *Justices to raise the like taxes as present Divisional Justices ;—*
25. *And to appoint collectors of said taxes.*
26. *Collector to give security for faithful discharge of his duty, and to account on oath.*
27. *Collectors to furnish their accounts of receipts weekly ;—*
28. *And pay their balances to the Receiver weekly.*
29. *Justices may order any collector to attend, and fine him for offences.*
30. *Justices to raise and levy all taxes and arrears.*
31. *Divisional Justices to deliver up to Justices appointed by this Act all books of accounts, receipts, taxes, &c. within ten days after being required so to do.*
32. *Divisional Justices to be hereafter appointed by Lord Lieutenant.*
33. *Accounts to be laid before Parliament annually.*
34. *Allowances to disabled persons acting under this Act.*
35. *Rights, powers, &c. of Divisional Justices to continue when not altered by this Act.*
36. *Constables, &c. under this Act invested with same powers as similar officers under the Act, 48 Geo. 3. c. 140.*
37. *Justices may summon persons charged with offences punishable on summary conviction under this Act.—Limitation of time for such proceedings.*
38. *Application of penalties.—Persons paying police rate may give evidence or act as Justices.*
39. *Scale of imprisonment for non-payment of penalties.*
40. *Form of conviction.*
41. *No certiorari, &c.—As to informality in warrants, &c.*
42. *Venue in proceedings against persons acting under this Act.—Notice of action.—General issue.—Tender of amends, &c.*
43. *So much of 48 Geo. 3. c. 140. as directs sums presented for houses of correction to be paid to Receiver under that Act repealed ; and such sums to be paid by Treasurer of county as other monies presented are paid.*
44. *Form of oath.*
45. *Repeal of so much of 31 Geo. 3. (7.) as prohibits horse races within nine miles of Dublin Castle.*
46. *Act may be altered this session.*
47. *Public Act.*

By this Act,

After reciting that it is expedient to substitute a new and more efficient system of police within the limits of the district of Dublin Metropolis, and to constitute an office of police, which, acting under the immediate authority of the Chief Secretary of the Lord Lieutenant, shall direct and controul the whole of such new system of police within those limits ;—

It is Enacted,

I. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to cause a new police office to be established in the city of Dublin, and by warrant under his hand and seal to appoint two fit persons as Justices of the Peace for and of the police district of Dublin Metropolis, as the same is constituted and defined in and by an Act, 48 Geo. 3, intituled, 'An Act for the more effectual Administration of the office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of Dublin Metropolis, and for and of the Counties of Dublin, Wicklow, Kildare, and Meath, and of all Liberties therein,' to execute the duties of a Justice of the Peace at the said office, and in all parts of those several counties, and the liberties therein and of said district, together with such other duties as shall be hereinafter specified, or as shall be from time to time directed by the Chief Secretary of the Lord Lieutenant, or in his absence by the Under Secretary for the time being, for the more efficient administration of the police within the said limits ; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to remove either of the said Justices, if he or they shall see occasion so to do, and upon any vacancy in the said office by death, removal, or otherwise, to appoint another fit person as a Justice of the Peace of the said district, counties, and liberties, to execute the duties aforesaid, in lieu of the person making such vacancy ; and it shall be lawful so to appoint any person to be a Justice of the Peace by virtue of this Act, and for such person, during the continuance of his appointment, to execute the duties of a Justice of the Peace for the said district and counties and liberties, although he may not have any such qualification by estate as is required by law in the case of any other person being a Justice of the Peace for any county : Provided always, that no such person shall act as a Justice of the Peace at any Court of General or Quarter Sessions, nor in any matter out of Sessions, except for the preservation of the peace, the prevention of crime, the detection and committal of offenders, and in carrying into execution the purposes of this Act.

II. That every person to be appointed a Justice of the Peace by virtue of this Act shall, before he shall begin to execute the duties of his office, take the following oath before some Justice or Baron of one of His Majesty's courts of record at Dublin : (that is to say,)

'I A.B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute all the Powers and Duties of a Justice of the Peace under and by virtue of an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled *An Act for improving the Police in the District of Dublin Metropolis.*'

III. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, to direct that an annual salary, not exceeding 800*l.*, shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to each of the Justices to be appointed under this Act, and that the same shall be payable quarterly.

iv. That a sufficient number of fit and able men shall from time to time, by the directions of the Chief Secretary of the Lord Lieutenant, or in his absence of the Under Secretary for the time being, be appointed as a Police Force for the whole of such district, who shall be sworn in by one of the said Justices to act as constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall, not only within the said district, but also within the counties of Dublin, Wicklow, Kildare, and Meath, and within all liberties therein, have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constableness by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the said Justices for conducting themselves in the execution of their office.

v. That the said Justices may from time to time, subject to the approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland, frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed members of the Police Force under this Act, the places of their residence, the classification, rank, and particular service of the several members, their distribution and inspection, the description of arms, accoutrements, and other necessities to be furnished to them, and which of them shall be provided with horses for the performance of their duty, and all such other orders and regulations relative to the said Police Force as the said Justices shall from time to time deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties; and the said Justices may at any time suspend or dismiss from his employment any man belonging to the said Police Force whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed or cease to belong to the said Police Force all powers vested in him as a constable by virtue of this Act shall immediately cease and determine.

vi. That if any victualler or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any man belonging to the said Police Force, or permit such man to abide or remain in his house, shop, room, or other place during any part of the time appointed for his being on duty, every such victualler or keeper as aforesaid, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding 5*l.* as they shall think meet.

vii. That it shall be lawful for any man belonging to the said Police Force, during the time of his being on duty, to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find between sunset and the hour of eight in the forenoon lying in any highway, yard, or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver any person so apprehended into the custody of the constable appointed under this Act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law, or may give bail for his appearance before a Justice of the Peace, if the constable shall deem it prudent to take bail, in the manner hereinafter mentioned.

viii. That where any person charged with any petty misdemeanor shall be brought, without the warrant of a Justice of the Peace, into the custody of any constable appointed under this Act, during his attendance in the night-time at any watch-house within the said police district of Dublin metropolis, it shall be lawful for such constable, if he shall deem it prudent, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a Justice of the Peace at some place to be specified in the recognizance, at the hour of ten in the forenoon next after such recognizance shall be taken, unless that hour shall fall on a Sunday, or on Christmas Day or Good Friday, and in that case at the like hour on the succeeding day; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the constable shall enter in a book to be kept for that purpose in every watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the Justice shall cause a record of the recognizance to be drawn up, to be signed by the constable, and shall return the same to the next General or Quarter Sessions of the Peace for the city of Dublin or for the county of Dublin respectively, as the case may require, in which the offence charged should be brought to trial with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the Sessions of the Peace; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Sessions, or otherwise, the recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

ix. That if any person shall assault or resist any person belonging to the said Police Force in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding 5*l.* as the said Justices shall think meet.

x. That it shall be lawful for the Lord High Treasurer, or Commissioners of the Treasury, or any three or more of them, either to order and direct the Receiver to be appointed under an Act passed or to be passed in this present Parliament to consolidate and amend the laws relating to the Constabulary Force in Ireland, or to appoint such other person as they may think proper, to receive all sums of money applicable to the purposes of this Act, and to revoke such order and direction, or remove any such Receiver, if he or they shall see occasion so to do, and upon any vacancy in that office by death, removal, or otherwise to appoint another person to be such Receiver; and it shall be lawful for the said Lord High Treasurer, or Commissioners of the Treasury, or any three or more of them, to allow to the person who shall be appointed to receive such monies such

yearly salary out of the same, payable quarterly, as they may think proper, not exceeding 450*l.*, or if the Receiver to be appointed under the said Act shall be appointed also to receive the said monies under this Act, then and in such case to allow to such Receiver such further yearly salary, payable quarterly out of the said monies, in addition to the salary payable to him under the said Act, as they may think proper, not exceeding 100*l.*; and the Receiver for the time being shall give security to His Majesty, in a bond with two sureties, in such sum as the said Lord High Treasurer, or the Commissioners of the Treasury, or any three or more of them, shall direct, such bond to be conditioned for the faithful performance of his duty by such Receiver, and for the due application of all monies paid to him under this Act; and the Receiver for the time being shall receive all sums of money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately pay all monies, bills, and notes by him received under this Act into the hands of the Governor and Company of the Bank of Ireland; and the same shall be placed to an account in the books of the said Governor and Company, which shall be intitled, "The Account of the Public Monies of the Receiver for the Metropolitan Police District;" inserting the name of the Receiver for the time being; and the said Receiver shall draw out of the Bank from time to time such sums of money as may be necessary for the payment of the salaries, wages, and allowances to be paid as hereinafter mentioned, to the persons belonging to the Police Force appointed under this Act, and also for the payment of all other charges and expenses in carrying this Act into execution; and the said Receiver shall be governed, in respect of his pecuniary transactions, whether of receipt or payment, and in respect of the periods in and for which he shall deliver his accounts, accompanied by the proper vouchers, and as to the manner in which such accounts shall be kept, and prepared and exhibited for audit, by such rules and regulations as shall be issued in that respect from time to time by the said Lord High Treasurer, or the Commissioners of the Treasury, or any three or more of them; and every draft or order for money on the Bank of Ireland, drawn by the Receiver, shall be countersigned by one of the Justices appointed under this Act; and all drafts and orders so drawn and countersigned, but not otherwise, shall be a sufficient authority to the Bank to pay the amount thereof to the persons named in them, or to the bearers of them.

XI. That the Receiver shall account for the due application of all monies so to be drawn by him out of the Bank of Ireland, and shall once in every six months, and oftener if required by the said Lord High Treasurer or Commissioners of the Treasury, or by the Chief Secretary of the Lord Lieutenant, or in his absence by the Under Secretary, make out and sign a full and particular account of all monies which shall have been received by him under this Act, and how much thereof hath been paid by him, and for what purposes, together with proper vouchers for the receipts and payments; and such account shall be delivered for the purpose of being examined and audited, either to the Commissioners for auditing the public accounts of this Kingdom, or to such other person or persons as the said Lord High Treasurer, or Commissioners of the Treasury, shall from time to time direct; and the said Receiver shall be subject to the same regulations and penalties in that respect as any public accountant.

XII. That the Receiver, out of the monies so received by him, shall from time to time pay to the persons belonging to the Police Force appointed under this Act such salaries, wages, and allowances, and at such periods, as the Chief Secretary of the Lord Lieutenant, or in his absence the Under Secretary, shall direct, and also any extraordinary expenses which they shall appear to have necessarily incurred in apprehending offenders and executing the orders of either of the Justices appointed under this Act, such expenses being first examined and approved of by one of the said Justices; and the Receiver shall likewise pay any further sums which such Chief or Under Secretary shall direct to be paid to any of the persons belonging to the said Police Force, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries, received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and he shall also pay all other salaries, charges, and expenses which such Chief or Under Secretary shall direct to be paid for carrying this Act into execution, and all salaries and allowances payable to the Divisional Justices and other persons under the said recited Act, 48 Geo. 3, or any Act passed for the amendment thereof, which shall not cease or determine pursuant to the provisions or by the operation of this Act.

XIII. That upon the death, resignation, or removal of any Receiver appointed under this Act the balance of cash for which he shall at that time have credit on his account as Receiver, with the Governor and Company of the Bank of Ireland shall, as soon as a successor shall be appointed to the office of Receiver, actually vest in such successor, and shall be immediately transferred to the account of such successor, to be applied for the purposes of this Act; and the Receiver for the time being is hereby required to issue his drafts or orders, countersigned as aforesaid, for all unsatisfied charges and demands payable out of the monies in the Bank, although the same shall have accrued in the time of any former Receiver.

XIV. That if any person, having resigned or having been removed from the office of Receiver, shall neglect, within 31 days after notice for such purpose, to account for and pay to any succeeding Receiver all such sums of money as shall remain in his hands applicable to the purposes of this Act, it shall be lawful for the Receiver for the time being, in his own proper name only, or by his name and description of office, to sue for and recover the same from such person, with double costs of suit, in any of His Majesty's courts of record at Dublin, by action of debt, in which action it shall be sufficient for such Receiver to declare as for money had and received to the use of such Receiver for the purposes of this Act; and the defendant in the action may, at the discretion of any Judge of such Court, be held to special bail in such competent sum as the Judge shall order; and the Court in which the action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the Court or other fit person, who may examine both plaintiff and defendant upon oath (which oath the said referee shall have power to administer); and upon the report of such referee, unless either of the parties shall shew good cause to the contrary, the Court may make a rule, either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the Court shall appear reasonable; or the Court may order judgment to be entered up by confession for such sum as upon the report shall appear to be due.

XV. That in case of the death of any person during the time that he shall be holding the office of Receiver, or after he shall have resigned or been removed from such office, the Receiver for the time being may, in his own proper name only, or by his name and description of office, sue for and recover from the executors or administrators of such person deceased all

such sums of money as shall have been remaining in his hands applicable to the purposes of this Act, by an action of debt in any of His Majesty's courts of record at Dublin; in which action it shall be sufficient for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for the purposes of this Act, or that the deceased died possessed of money had and received for the purposes of this Act, whereby an action hath accrued to the plaintiff to demand and have the same from such executors or administrators; and the like action may be brought against any executors or administrators of executors or administrators; and in all such actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in defence, as in any action founded upon simple contracts of the original testator or intestate; and the Court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such referee in like manner as is hereinbefore mentioned; and in all actions to be brought, as well as in all proceedings whatsoever to be instituted or carried on by any Receiver by virtue of this Act, proof of his acting in the execution of the office of Receiver shall be sufficient evidence of his holding such office, unless the contrary shall be shown in evidence by the defendants in such actions, or the parties against whom such proceedings shall be instituted or carried on.

XVI. That the Receiver for the time being shall make all such contracts and disbursements as shall be necessary for purchasing or renting any land or buildings, or for erecting, fitting up, furnishing, or repairing any buildings for the purposes of this Act, in such manner as the Chief Secretary of the Lord Lieutenant, or in his absence the Under Secretary, shall direct, subject nevertheless to such regulations as the said Lord High Treasurer, or Commissioners of the Treasury, or any three or more of them, shall from time to time think fit to establish in respect of all such contracts and disbursements; and of all lands and buildings so to be purchased or rented, and of the fixtures and furniture thereof, and of all goods and chattels whatsoever to be from time to time held or purchased for the purposes of this Act, the property acquired therein shall be vested in the Receiver for the time being, in whom also shall be vested the property of all watch-houses, watch-boxes, arms, accoutrements, and other necessities to be given up as hereinafter mentioned; and the Receiver for the time being may, by the directions of such Chief or Under Secretary, sell, assign, or dispose of the whole or any part of any such property as aforesaid, and shall execute all such lawful matters for carrying this Act into execution as such Chief or Under Secretary shall from time to time direct.

XVII. That it shall be lawful for all bodies corporate, and also for all commissioners or trustees for public purposes, and for tenants for life or in tail, and for the husbands, guardians, trustees, committees, or attorneys of such of the proprietors or persons interested in any lands or buildings required for the purposes of this Act as shall by reason of any legal disability or of absence beyond the seas be incapable of acting for themselves, to contract and agree with the Receiver for the time being, either for the absolute sale of such lands or buildings, or for a lease thereof for such period as the Receiver shall require, and to convey, demise, or grant the same to the Receiver in trust for the purposes of this Act; and all such contracts, sales, conveyances, leases, and grants shall be valid and effectual in law to all intents and purposes; and in case any body corporate, commissioners, trustees, or other persons hereby authorized to contract on behalf of themselves or others as aforesaid, shall neglect or refuse to agree with, or by reason of disability or absence shall be prevented from agreeing with, the Receiver for the sale or lease of any land or buildings required by him, or in case the proprietors or persons interested therein cannot be found or known, or shall not produce and evince a clear title to the land or buildings so to be purchased or rented, or to the interest they shall claim therein, to the satisfaction of the Receiver, in every such case all the powers now by law vested in the Commissioners for making wide and convenient streets and passages in the city of Dublin, and all provisions made by any Act or Acts relating to such Commissioners, and now in force with regard to the valuation of estates and interests by a jury, the conclusive effect of the verdict of the jury, and all matters preparatory to, concomitant with, and consequent or contingent upon the valuation by a jury, shall, so far as the same are or can be applicable, be applied and extended to the valuation of any land or buildings required for the purposes of this Act, in as full and ample a manner, to all intents and purposes, as if those provisions had been repeated and expressly re-enacted in this Act; and all such matters as by those provisions are authorized or required to be done by such Commissioners, or any number of them, shall under this Act be done by the Receiver for the time being.

XVIII. That upon the appointment of a Receiver under this Act, the office and duties of the Receiver of the Public Offices appointed under the said recited Act, 48 Geo. 3, shall cease and determine, and the balance of cash for which such Receiver of the Public Offices shall at that time have credit on his account as Receiver with the Governor and Company of the Bank of Ireland, and all cash and monies in the hands of such Receiver as such, shall actually vest in the Receiver appointed under this Act, and shall be immediately transferred to the account of and paid to such Receiver appointed under this Act, to be applied for the purposes of this Act; and the said last-mentioned Receiver for the time being is hereby required to issue his drafts or orders, countersigned as aforesaid, for all unsatisfied charges and demands payable out of the monies in the Bank, although the same shall have accrued in the time of said Receiver of the Public Offices.

XIX. That no Justice of the Peace or Receiver appointed by virtue of this Act shall, during the continuance of such appointment, be capable of being elected or of sitting as a member of the House of Commons; and no Justice, Receiver, or person belonging to the Police Force appointed by virtue of this Act shall, during the time that he shall continue in any such office, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Dublin, Wicklow, Kildare, or Meath, or for the county of the city of Dublin, or for any city or borough within the said police district, nor shall by word, message, writing, or in any other manner endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and if any such Justice, Receiver, or person belonging to the Police Force shall offend therein, he shall forfeit the sum of 100*l.*, to be recovered by any person who will sue for the same, by action of debt, to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the Receiver appointed under this Act, to be by him added to and applied as part of the funds for the purposes of the police under this Act: Provided always, that nothing in this enactment contained shall subject any such Justice, Receiver, or person belonging to the Police Force, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty.

And after reciting that some time must elapse before a new Police Force can be appointed throughout the whole of the metropolitan police district;—

It is therefore Enacted,

xx. That the constables, patrolling constables, watchmen, and others of the police and watch already appointed within the limits of the said district, may, notwithstanding the passing of this Act, continue to act in their respective appointments, and shall be subject to the same authorities as heretofore, until it shall be notified by the Justices appointed under this Act that a new police will be ready to undertake the charge of the said district, on some day to be specified in the notice of the said Justices; which notice shall be published on two successive days in the *Dublin Gazette*, and in two public newspapers published in the city of Dublin, and shall be delivered to the Divisional Justices at the head office, previous to the day named for the same to take effect; and upon the day so named the chief constables, constables, patrolling constables, night watch, and other police appointed within the said district previously to or independently of this Act, shall be discontinued; and all watch-houses and watch-boxes in the said district, and all arms, accoutrements, and other necessaries provided at the public expense for the watch and police therein shall be given up to such persons as shall be named by the said Justices for the use and accommodation of the police to be appointed under this Act; and in case any person having the charge, control, or possession of any watch-house, watch-box, arms, accoutrements, or necessaries as aforesaid shall neglect or refuse to give up the same as heretofore required, every such offender, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum, not exceeding 5*l.*, as the said Justices shall think meet; and where there shall be any building in any such parish or place as aforesaid, a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day from the hour of four in the afternoon until the hour of nine in the forenoon, for the use and accommodation of the Police Force to be appointed under this Act; and if any person having the charge, control, or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom, during any portion of the time above prescribed, every such offender, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding 5*l.*, as the said Justices shall think meet.

xxi. That the Justices appointed under this Act, subject to the approbation of the Chief Secretary of the Lord Lieutenant, or his Under Secretary for the time being, may order such a number of watch-boxes as they shall from time to time think fit to be placed or fixed in such parts of the highways, in any of the parishes and places within the metropolitan police district, as the said Justices shall deem most convenient.

xxii. That no person so appointed a constable shall be or act as a domestic or menial servant to any person whatsoever; and that any of the said Justices, Receiver, or any other officer or clerk who shall retain or employ any constable as a domestic or menial servant, shall for every such offence forfeit and pay the sum of 100*l.*, to be recovered by civil bill in the court of the Recorder of the city of Dublin.

xxiii. That no person using or exercising the trade or business of a brewer or distiller, or dealer in wine by retail to licensed public houses, or being a partner of such; no person who shall have a licence or licences to sell malt liquors or spirituous liquors, or who shall in any manner be engaged as a seller thereof; no victualler nor person keeping a public house shall be capable of holding any office or situation whatsoever under this Act.

xxiv. That until some further provision shall be made by authority of Parliament for the support and maintenance of the said constables and watchmen, and for providing watch-houses, arms, accoutrements, watch-coats, lanterns, fire and candle-light, and other necessaries for the purposes of this Act, the said Justices to be appointed under this Act shall be and they are hereby authorized from time to time to raise and levy the like rates and assessments on all houses and tenements within the said police district of Dublin metropolis, which under or by virtue of any Act in force immediately before the passing of this Act are or shall be liable to be rated and assessed to any such rate or assessment as the Divisional Justices appointed under the said Act, 48 Geo. 3, and by the therein recited Acts, or any of them, were authorized and empowered to collect, raise, assess, and levy.

xxv. That it shall and may be lawful to and for said Justices to be appointed under this Act to appoint such number of fit and proper persons as they shall think proper to collect and receive all rates, taxes, and assessments which shall at any time or times hereafter be assessed or become payable from or out or in respect of any houses or house, tenements or tenement, for the support of the said watch establishment as aforesaid, and the several persons so appointed shall be called "Collectors of the Watch Tax"; and the names of the persons so appointed shall be entered in a book to be kept for that purpose at the office to be appointed under this Act; and every collector so appointed shall from time to time, as and for his payment for the execution of his said office, deduct and retain to his own use, out of all and every sum and sums of money received by him, such part or proportion thereof, not exceeding 1*s.* in the pound, as shall be directed by the said Justices.

xxvi. That every person who shall be so appointed a collector of the said rates and assessments shall give sufficient security, to the satisfaction of the said Justices appointed under this Act, by bond payable to His Majesty, his heirs and successors, which bond said Justices are hereby empowered and required to take, conditioned for the due and faithful execution and discharge of his said office and duty; and every such collector shall under his hand, at such time and times as the said Justices shall direct, deliver to them or either of them, or to such person as they shall appoint, true and perfect accounts in writing of all monies which shall have been received by him, by virtue and for the purposes of this Act, and of all monies paid by him to the said Receiver, together with the proper vouchers for such payments; and all the said persons so accounting as aforesaid shall verify their accounts, upon oath (which oath the said Justices, or any one of them, is and are hereby empowered and required to administer); and if any such person shall refuse or neglect to make or render, or shall neglect or refuse to verify upon oath, any such account, or to produce or deliver the vouchers relating to the same, or to make payment as aforesaid, or shall not deliver to the said Justices, or to one of them, or to such other person as they shall appoint, within ten days after being thereunto required, all the books, papers, and writings in his custody or power relating to the trust reposed in him, or shall refuse or neglect to pay such monies as upon the balance of any account or accounts shall appear to be in his hands to the

mid Receiver, every such person shall for every such neglect respectively forfeit the sum of 50*l.*, to be recovered by the said Justices by civil bill in the court of proper jurisdiction.

XXVII. That each and every of the said several collectors shall, on the Saturday in each week, furnish a just and true account of all monies received by him in the course of that week, in such manner as shall be directed, to the said Justices; and in case any such collector shall refuse or neglect so to do, such collector shall for such default be subject and liable to such fine as the said Justices shall think proper, not exceeding 5*l.* for each and every such offence, to be levied by warrant under their hands and seals out of the goods and chattels of such offender.

XXVIII. That every collector of the said rates and assessments shall, on the Saturday in every week, pay to the Receiver to be appointed under this Act all monies received by him, and then in his hands, by virtue of this Act.

XXIX. That the said Justices to be appointed under this Act, or either of them, as often as it shall appear to them or him that the said several collectors, or any of them, have not done their duty, shall give orders for the attendance of such collector or collectors at the said office to be appointed under this Act, to answer touching such matter, and shall for the first offence fine the collector or collectors in any sum not exceeding 20*s.*, and for every succeeding offence impose a fine not exceeding 5*l.* nor less than 20*s.*; the said fines to be levied by warrant under their hands and seals out of the goods and chattels of such offender.

XXX. That it shall and may be lawful for the said Justices, at any time after the day specified in the said notice for the new police taking charge of the said district, to levy or cause to be levied and raised in their own names all duties, taxes, assessments, and fines now payable, or which, if this Act had not passed, would hereafter become payable to the said Divisional Justices, or any of them, and also all arrears thereof respectively that shall be due and owing on the said day, or which by law the said Divisional Justices, or any of them, might or ought to have levied and raised, by such ways and means as they would have been enabled to raise and levy the same respectively if this Act had not been passed; and that all carriage rates, carriage duties, carriage rents, licence duties, fines, fees, and all other monies whatsoever, payable to or receivable by the Receiver appointed under the said recited Act, 48 Geo. 3, shall, from and after the appointment of a Receiver under this Act, be paid to and received by such Receiver appointed under this Act, to be by him applied to and for the purposes of this Act.

XXXI. That the said Divisional Justices shall, within ten days after being thereto required in writing by the Justices to be appointed under this Act, deliver up or cause to be delivered up to the said last-mentioned Justices all books of account, books of receipts and payments of all monies, books of taxes, collectors' books, books of house tax, hackney-coach tax, and all others of every nature, kind, and description whatsoever, in anywise belonging to or connected with the collection, assessment, and levying of all and every the taxes, rates, duties, and other monies hereby made payable to the Receiver to be appointed under this Act; and shall also deliver or cause to be delivered to the said Receiver to be appointed under this Act a just and true account of all arrears of taxes, and all balances of taxes, duties, rents, and other monies of what nature and kind soever, due to the said Divisional Justices or to the said former Receiver; and that the said Divisional Justice or Justices, and such of their clerks respectively as were in anywise concerned in keeping such books and making such entries of receipts and payments and proceedings, shall respectively make oath of the truth of the said books and accounts, and of the entries therein respectively; and also that no book, account, or entry of any of the said matters has been suppressed or withheld from the said Justices, to the knowledge or belief of the person so making every such affidavit, such oath to be made before the Lord Mayor of the city of Dublin, who is hereby authorized and required to administer such oath; and in case the said Divisional Justices, clerk or clerks, shall refuse or neglect to deliver such book or books, or other papers, or to make such affidavit as above directed, or shall detain any such book or books, or papers, such person who shall so refuse, neglect, or detain, being thereof duly convicted before the Justices appointed under this Act, shall forfeit and pay the sum of 100*l.*, to be levied by distress and sale of the offender's goods by warrant under the hands and seals of the said last-mentioned Justices.

XXXII. That all the Divisional Justices within the police district of Dublin metropolis who may now be appointed by the assembly of the corporation of the said city, pursuant to the provisions of an Act, 5 Geo. 4. c. 102, intituled, 'An Act to amend an Act of the Forty-eighth Year of the Reign of His late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for more effectual Prevention of Felonies within the District of Dublin Metropolis,' shall hereafter be appointed by the Lord Lieutenant; and it shall not any longer be requisite that any of the said Divisional Justices shall be an alderman of the city of Dublin, or sheriff's peer, or member of the common council of the said city.

XXXIII. That an account of all monies received and expended for the purposes of this Act, made up to the 31st of December in each year, shall annually be laid before both houses of Parliament within thirty days thereafter, if Parliament be then sitting, or within thirty days after the first meeting of Parliament subsequent to the 31st of December; and such accounts shall specify the total sum received for every tax, rate, rent, duty, or other charge for the purposes of this Act; and such account shall also specify the different heads of expenditure for the purposes of the police, and the amount actually expended under each.

XXXIV. That if any of the said Justices, Receiver, constables, or other persons holding any office whatsoever under or by virtue of this Act shall by age, sickness, or accident become unable to perform the duties of such office, and shall therefore resign or be removed from the same, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, if he or they shall think proper so to do, to direct that a pension charged on the funds applicable to the support of the said police establishment, clear of all taxes and deductions, shall be paid to every such person, not exceeding two-thirds of the salary payable to such person by virtue of this Act immediately previous to his so resigning or being removed; provided that no person shall be entitled to receive any such pension or allowance, unless he shall be above the age of sixty years, or shall have served twenty-five years, or shall have been disabled by any unavoidable accident or permanent disease acquired in the performance of his duty under this Act.

XXXV. That in all cases not altered or otherwise ordained or directed by this Act, all and every the rights, powers, privileges, jurisdictions, and authorities whatsoever, now vested in the said Divisional Justices under any Act or Acts of Parliament not hereby repealed, and all and every other matter or thing whatsoever which the said Divisional Justices are by any law now

defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

XLIII. That so much of the said Act, 48 Geo. 3. c. 140, as enacts that the sums presented by the term Grand Jury of the county of the city of Dublin for the houses of correction within the said police district of Dublin metropolis, and for necessaries therein, and for salaries to the keepers thereof, shall be paid over by the treasurer of the county of the city of Dublin to the Receiver appointed under the said Act, shall be and the same is hereby repealed; and the monies from time to time presented and raised for the aforesaid purposes, or any of them, shall, until Parliament shall otherwise provide, be paid, expended, and accounted for by said treasurer, in like manner and under the like regulations as any other monies presented by said grand jury, and paid, disbursed, and accounted for by such treasurer; and the securities of such treasurer shall be security for the payment, expenditure, and accounting for all such sums.

XLIV. That every person appointed under this Act, shall before he shall do any act in his said office, take and subscribe the oath following; that is to say,

'I A. B. do swear, That I will well and truly serve our Sovereign Lord the King in the Office of [as the Case may be], without Favour or Affection, Malice or Ill-will; that I will see and cause His Majesty's Peace to be kept and preserved; and that I will prevent to the best of my Power all Offences against the same; that while I shall continue to hold the said Office I will, to the best of my Skill and Knowledge, discharge all the Duties thereof faithfully according to Law, and that I do not now belong to, and that while I shall hold the said Office I will not join or belong to, any political Society whatsoever or any secret Society whatsoever, unless the Society of Freemasons
So help me GOD.'

And the said Oath shall be administered to the Justices to be appointed under this Act at the same time, and by the same persons, with the other oaths to be by them taken; and the said oath shall be administered to all constables so appointed by one of the said Justices, and shall in all cases be subscribed by the person taking the same: Provided always, that in all cases where an oath is required by this Act, the affirmation of a Quaker, Moravian, or Separatist shall be accepted in lieu of such oath.

XLV. That from and after the passing of this Act so much of an Act, 31 Geo. 3. (1.) as enacts, "that it shall not be lawful for any person to cause any horse, mare, or gelding to run for any public prize whatever within nine miles of His Majesty's Castle of Dublin, either against any other horse, mare, or gelding, or against time; and that any assembly of persons more than twelve in number, present at any horse race within nine miles from the said Castle, shall be and be deemed an unlawful assembly, and shall and may be dispersed as such by any Magistrate or peace officer as in cases of unlawful assemblies, and the persons so present may be prosecuted, and in all respects proceeded against as persons present and assisting at an unlawful assembly," shall be and the same is hereby repealed.

XLVI. That this Act may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

XLVII. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

CAP. XXX.

AN ACT to repeal so much of Two Acts of the Ninth and Tenth Years of King George the Fourth as directs the Period of the Execution and the Prison Discipline of Persons convicted of the Crime of Murder.

(14th July 1836.)

By this Act,

After reciting that by 9 Geo. 4. c. 31, intituled, 'An Act for consolidating and amending the Statutes in England, relative to Offences against the Person,' it was amongst other things enacted, that every person convicted of murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every murderer, unless the Court should see reasonable cause for postponing the same, and such sentence should express, not only the usual judgment of death, but also the time thereby appointed for the execution thereof; and it was by the said Act provided, that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof, if such Court or Judge should so think fit: And that it was by the said Act, amongst other things, further provided, that every person convicted of murder should after judgment be fed with bread and water only, and with no other food or liquor, except in case of receiving the Sacrament, or in case of any sickness or wound, in which case the surgeon of the prison might order other necessaries to be administered; and that no person but the gaoler and his servants, and the

chaplain and surgeon of the prison, should have access to any such convict without the permission in writing of the Court or Judge before whom such convict should have been tried, or of the sheriff or his deputy; and that it was by the said Act further provided, that in case the Court or Judge should think fit to respite the execution of such convict, such Court or Judge might, by a licence in writing, relax during the period of the respite all or any of the restraints or regulations theretofore directed to be observed; and that by 10 Geo. 4. c. 34, intituled, 'An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person,' the like provisions were made with respect to persons convicted of murder in Ireland: And that for the ends of justice, and especially more effectually to preserve from an irrevocable punishment any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Acts in these respects;—

It is Enacted,

1. That so much of the said Acts, 9 and 10 Geo. 4, as is hereinbefore recited shall be and the same is hereby repealed.
11. That from and after the passing of this Act sentence of death may be pronounced after convictions for murder in the same manner and the Judge shall have the same power in all respects as after convictions for other capital offences.

CAP. XXXI.—IRELAND.

AN ACT to amend an Act of His late Majesty King George the Second, for the Encouragement of building of Chapels of Ease in Ireland.

(14th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Any person may allot, with the consent of the bishop, any land not exceeding one acre for the site of a chapel, not less than one mile from mother church, unless in a city or town, &c.
2. Founders of chapels may vest the patronage in trustees not exceeding seven in number.—Providing for failure of appointment of trustees.
3. If endowment be invested in government funds, trustees may dispose of same, and invest the produce in purchase of lands, &c.
4. Bishop may assign a district to a chapel;—and determine whether baptisms, &c. shall be performed.
5. Trustees to be the true patrons.
6. Appointment to such chapel to render void any benefice, &c. previously held, and not to be held with any other.
7. Chapeltries founded to be perpetual cures.
8. Lands conveyed for the site of chapels not to be subject to question.
9. No deeds of grant to be effectual six months from date.
10. Churches or chapels endowed by virtue of this Act, &c. subject to visitation.
11. If void six months without nomination, the right to lapse as in presentative livings.—If minister absent without licence more than 61 days in a year, chapel to be void;—
12. But no lapse thereby till six months after notice in writing by the ordinary.
13. With consent of bishop, &c. persons may erect chapel of ease in any parish.

By this Act,

After reciting 1 Geo. 2, (1.) wherein several provisions were made for the encouragement of building of chapels of ease: And that it is expedient to afford greater facilities to the carrying into effect the said objects proposed by the said Act, and for that purpose to amend the same:—

It is Enacted,

1. That it shall and may be lawful to and for any person or persons, bodies politic or corporate, seised or possessed of a sufficient estate for the purpose, by and with the consent of the archbishop or bishop of the diocese, to be signified in writing under his hand and seal, to allot and set apart any land not exceeding one plantation acre, provided the same shall not be within one measured mile of any other church or chapel where the Liturgy and rites of the United Church of England and Ireland as by law established are used and observed, unless the said lands shall be within some city or corporate town, or within a town containing four thousand persons, or the suburbs, liberties, and precincts of the same; on which said lands so set apart it shall and may be lawful to and for any person or persons, bodies politic or corporate, to erect and build a church or chapel, or to appropriate as a church or chapel any building already erected on such land, in which the Liturgy and rites of the United Church of England and Ireland as by law established are to be used and observed, who shall first settle and secure lands, tenements, or hereditaments held in fee simple, or for lives with covenant for perpetual renewal thereof, or for a term of 99 years of which 60 years at the least shall be then unexpired, free from incumbrances, and of the clear yearly value of 30l. at the least, or money in any of the government funds amounting at the least to 1,250l., as a provision or maintenance for a minister to officiate in such church or chapel, and his successors for ever, as a perpetual endowment of such church or chapel: Provided always, that the land so set apart for building thereon such church or chapel, or whereon such building shall be erected as aforesaid, shall be held in fee simple, or for lives with covenant for perpetual renewal thereof, or for a term of 99 years of which not less than 60 years shall be unexpired; and provided also, that by the deed of endowment thereof one-third at least of the sittings in such church or chapel shall be set apart and appropriated as free sittings for ever.

II. That where any person or persons, bodies politic or corporate, shall erect or appropriate as aforesaid and endow, and where two or more persons, bodies politic or corporate, shall join in or contribute to the erecting or appropriating as aforesaid and endowment of any church or chapel or building as aforesaid, in pursuance of this Act, the minister or ministers to officiate in such church or chapel shall be from time to time nominated and appointed by trustees, who shall not be fewer than five nor more than seven in number, and who shall be members of the United Church of England and Ireland, to be for that purpose named, in the first instance, by the person or persons, bodies politic or corporate, so erecting or appropriating and endowing any such church or chapel, and that the vacancies which shall from time to time occur in the number of such trustees shall be filled up in such manner and order as in the deed of such endowment shall be settled: Provided, that if it should happen that all the trustees of any such church or chapel for the time being should die without having appointed any other trustee or trustees as their successors, then and in such case it shall be lawful for the minister for the time being of the said church or chapel, with the consent of the bishop of the diocese, to appoint the requisite number of trustees by the deed of endowment of such church or chapel required.

III. That in case such endowment shall be formed in the whole or in part of government funds, it shall be lawful for such trustees, as they shall think fit, to dispose of such government funds, and to invest the produce thereof in the purchase of lands, tenements, or hereditaments held in fee simple, or for lives with covenant for perpetual renewal, or for long terms of years of which at least 60 years shall be unexpired, in such manner and subject to such restrictions as in said deed of endowment shall be for that purpose provided; and where such endowment shall be formed in the whole or in part of any estate or interest in lands or tenements less than a fee simple it shall be lawful for such trustees, as they shall see fit, to purchase any more extended interest therein, or the reversion or inheritance therein, in such manner and subject to such restrictions as in the said deed of endowment shall be for that purpose provided.

IV. That the bishop of the diocese, with the consent of the incumbent, shall assign a particular district to every such church or chapel as shall be built or appropriated under the provisions of this Act, or which has been or shall be built or appropriated under any other statute, or under and by virtue of any ecclesiastical authority, except where from special circumstances he shall deem it not advisable to assign a district; and such district shall be under the immediate care of the minister who shall have been duly licensed to serve such church or chapel, so far as regards the visitation of the sick and other pastoral duties: Provided always, that it shall be lawful for the bishop also to determine whether baptisms, churchings, or burials shall be solemnized or performed in any such church or chapel or not; and the bishop shall cause a description of the boundaries of the district assigned by him to such church or chapel to be registered in the registry of the diocese, and shall also cause his order and direction in writing as to all offices to be performed in any such church or chapel to be registered in the registry of the diocese.

V. That the trustees to be so nominated and appointed by or in the manner directed as aforesaid, by any person or persons, bodies politic or corporate, who shall build or appropriate and endow, any such church or chapel as aforesaid, shall from the time of such endowment be and be esteemed in law to be patron or patrons of such church or chapel; and the right of presentation or nomination thereto shall be and is hereby from thenceforth for ever after vested in the trustees to be so nominated by or appointed in such manner as aforesaid, by such person or persons, bodies politic or corporate, who shall build or appropriate and endow the same as aforesaid; and that such endowed church or chapel shall be for ever after called and known by such name as the said founders of such church or chapel shall in and by their deed of endowment direct and appoint.

VI. That if any minister already possessed of any benefice, living, or curacy, shall be nominated and appointed to officiate in any such church or chapel as aforesaid, and shall accept such appointment, and be duly licensed thereunto, that then such benefice, living, or curacy shall from thenceforth be and be deemed and adjudged absolutely void to all intents and purposes whatsoever, and it shall be lawful for the archbishop, bishop, or other patron to collate or present thereto in like manner and form as if the former incumbent had died; and in case any minister who shall have been nominated and appointed to officiate in any such church or chapel as aforesaid, and who shall have accepted such appointment, and have been duly licensed thereunto, shall be collated or instituted to any other benefice, living, or curacy, that then the said appointment of such minister to officiate in such church or chapel as aforesaid, shall from thenceforth be and be deemed and adjudged absolutely void to all intents and purposes whatsoever, and it shall be lawful for the trustees for the time being, in the deed of endowment of such church or chapel named, or subsequently duly appointed as thereby directed, to nominate and appoint another minister to officiate in such church or chapel in like manner and form as if the former minister had died.

VII. That all churches or chapels which shall at any time hereafter be erected or appropriated and endowed by virtue of this Act shall be and are hereby declared and established to be from the time of such endowment perpetual cures and benefices presentative, and the ministers, duly admitted and instituted or nominated and licensed thereunto, and their successors respectively, shall be and shall be esteemed in law bodies politic and corporate, and shall have perpetual succession by such name and names as in the grant of such endowment shall be mentioned, and shall have a legal capacity, and are hereby enabled to take in perpetuity to them and their successors all such lands, tenements, and hereditaments as shall be granted unto them respectively by virtue of this or any other Act, or any deed or endowment; any law or statute to the contrary notwithstanding.

VIII. That all lands and grounds which shall be granted and conveyed as and for the sites of such churches or chapels as aforesaid, and upon which any such church or chapel shall be erected or appropriated as aforesaid, shall become and be and remain absolutely vested in the trustees for the time being in the deed of endowment of such church or chapel named, or subsequently duly appointed as thereby directed, free from all demands or claims of any body politic or corporate, or person or persons whatever, and without being at any time subject to any question as to any right, title, or claim thereto or in any manner affecting the same.

IX. That no deeds of grant for any erection, appropriation, or endowment to be made in pursuance of this Act shall be good and effectual in law unless such deeds be enrolled within six months from the date thereof in His Majesty's Court of Chancery in Ireland.

x. That all churches or chapels endowed by virtue of the powers given by this Act, and all ministers and curates officiating therein, shall be subject to the visitation and jurisdiction of the archbishop or bishop of the diocese wherein such churches or chapels are situated, to all intents and purposes of law whatsoever.

XI. That for continuing the succession in such perpetual cures and benefices, and that the same may be duly and constantly served, in case such endowed cures or benefices be suffered to remain void by the space of six months without any nomination within that time of a fit person to serve the same by the person or persons having a right of nomination thereto to the archbishop, bishop, or other ordinary, within that time to be licensed for that purpose, the same shall lapse to the archbishop, bishop, or other ordinary, and from him to the metropolitan, and from the metropolitan to the crown, according to the course of law used in cases of presentative livings and benefices, and the right of nomination to such endowed benefice may be granted or recovered, and the incumbency thereof may and shall cease and be determined, in like manner and by the like methods as the presentation to or incumbency in any vicarage presentative may now be respectively granted, recovered, and determined; and moreover, in case the minister of such church or chapel shall be absent from his cure for above the space of 61 days in any one year, without the licence of the archbishop, bishop, or other ordinary first obtained for that purpose, such church or chapel shall from thenceforth be and be esteemed in law actually void.

XII. That no lapse shall occur, in case such church or chapel becoming void by want of such residence of such incumbent as aforesaid, till six months after notice thereof in writing given by the bishop, or other ordinary to the person or persons having right of nomination to the same: Provided always, that in case the person or persons entitled to nominate to such endowed benefice shall suffer a lapse to incur, but shall after present or nominate to the same before any advantage takes thereof by the ordinary, metropolitan, or crown respectively, such presentation or nomination shall be as effectual as if made within six months, although so much time be before elapsed as that the title by lapse be vested in the crown.

XIII. That it shall and may be lawful to and for any person or persons, bodies corporate and politic, with the consent of the bishop of the diocese and the incumbent, to erect and build a chapel of ease in any parish, provided the incumbent shall together with the bishop of the diocese give their consent thereto by writing under their respective hands and seals, to be deposited in the registry in the diocese; and when such chapel shall have been erected and consecrated the minister of the parish in which the same is built shall be from time to time and for ever the minister of the said chapel; provided that wherever there is a mother church at which the minister is bound to officiate, he shall not be required to have divine service in said mother church and chapel oftener than once on each Sunday or holiday in each.

CAP. XXXII.

AN ACT for the Regulation of Benefit Building Societies.

(14th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Societies may be established for the purchase or erection of dwelling houses.*
2. *Bonus, &c. not to be usurious.*
3. *Rules may be made to provide forms of conveyance, &c.*
4. *Provisions of Friendly Society Acts of 10 Geo. 4. c. 56, and 4 & 5 Will. 4. c. 49, extended to this Act.*
5. *Receipt indorsed on mortgage to be sufficient without re-conveyance.*
6. *Not to authorise investment of funds in savings bank.*
7. *Benefit of Act to extend to all societies established prior to June 1836.*
8. *Exemption from stamp duties.*
9. *Public Act.*

By this Act,

After reciting that certain societies, commonly called Building Societies, have been established in different parts of the kingdom principally amongst the industrious classes, for the purpose of raising by small periodical subscriptions a fund to assist the members thereof in obtaining a small leasehold and freehold property, and that it is expedient to afford encouragement and protection to such societies and the property obtained therewith:—

It is Enacted,

1. That it shall and may be lawful for any number of persons in Great Britain and Ireland to form themselves into and establish societies for the purpose of raising, by the monthly or other subscriptions of the several members of such societies, shares not exceeding the value of 150*l.* for each share, such subscriptions not to exceed in the whole 30*s.* per month for each share, a stock or fund for the purpose of enabling each member thereof to receive out of the funds of such society the amount or value of his or her share or shares therein, to erect or purchase one or more dwelling house or dwelling houses, or other real or leasehold estate to be secured by way of mortgage to such society until the amount or value of his or her shares shall have been fully repaid to such society with the interest thereon, and all fines or other payments incurred in respect thereof, and to and for the several members of each society from time to time to assemble together, and to make, ordain, and constitute such proper and wholesome rules and regulations for the government and guidance of the same as to the major part of the members of such society so assembled together shall seem meet, so as such rules shall not be repugnant to the express provisions of this

Act and to the general laws of the realm, and to impose and inflict such reasonable fines, penalties, and forfeitures upon the several members of any such society who shall offend against any such rules, as the members may think fit, to be respectively paid to such uses for the benefit of such society as such society by such rules shall direct, and also from time to time to alter and amend such rules as occasion shall require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained; provided that no member shall receive or be entitled to receive from the funds of such society any interest or dividend, by way of annual or other periodical profit upon any shares in such society, until the amount or value of his or her share shall have been realized, except on the withdrawal of such member, according to the rules of such society then in force.

II. That it shall and may be lawful to and for any such society to have and receive from any member or members thereof any sum or sums of money, by way of bonus on any share or shares, for the privilege of receiving the same in advance prior to the same being realized, and also any interest for the share or shares so received or any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Parliament relating to usury.

III. That it shall and may be lawful to and for any such society, in and by the rules thereof to describe the form or forms of conveyance, mortgage, transfer, agreement, bond, or other instrument which may be necessary for carrying the purposes of the said society into execution; and which shall be specified and set forth in a Schedule to be annexed to the rules of such society, and duly certified and deposited as hereinafter provided.

IV. That all the provisions of a certain Act, 10 Geo. 4. c. 56, intituled, 'An Act to consolidate and amend the Laws relating to Friendly Societies,' and also the provisions of a certain other Act, 4 & 5 Will. 4. c. 40, intituled, 'An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies,' so far as the same, or any part thereof, may be applicable to the purpose of any benefit building society, and to the framing, certifying, enrolling, and altering the rules thereof, shall extend and apply to such benefit building society and the rules thereof, in such and the same manner as if the provisions of the said Acts had been herein expressly re-enacted.

V. That it shall be lawful for the trustees named in any mortgage made on behalf of such societies, or the survivor or survivors of them, or for the trustees for the time being, to indorse upon any mortgage or further charge given by any member of such society to the trustees thereof for monies advanced by such society to any member thereof, a receipt for all monies intended to be secured by such mortgage or further charge, which shall be sufficient to vacate the same, and vest the estate of and in the property comprised in such security, in the person or persons for the time being entitled to the equity of redemption, without it being necessary for the trustees of any such society to give any re-conveyance of the property so mortgaged, which receipt shall be specified in a Schedule to be annexed to the rules of such society, duly certified and deposited as aforesaid.

VI. That nothing herein contained shall authorize any benefit building society to invest its funds, or any part thereof, in any savings banks, or with the Commissioners for the Reduction of the National Debt.

VII. That all building societies established prior to the 1st of June 1836 shall be entitled to the protection and benefits of this Act, on their present rules being duly certified and deposited as directed by the said recited Acts; and no such society shall be entitled to the benefits of this Act until their rules shall have been so certified and deposited; and that no such society shall be required to alter in any manner the rules under which they are now respectively governed.

VIII. That no rules of any such society, or any copy thereof, nor any transfer of any share or shares in any such society, shall be subject or liable to or charged with any stamp duty or duties whatsoever.

IX. That this Act shall be deemed a public Act, and shall extend to Great Britain, Ireland, and Berwick-upon-Tweed, and shall be judicially taken notice of as such by all Judges, Justices, and other persons whatsoever, without the same being specially shewn or pleaded.

CAP. XXXIII.

AN ACT to amend and regulate the Law of *Scotland* as to Erasures in Instruments of Sasine and of Resignation ad remanentiam.

(14th July 1836.)

By this Act,

After reciting that by an Act of the Parliament of Scotland passed in the year 1617, intituled 'Anent the Registration of Reversions, Seisins, and other Writs,' for the purpose of establishing certain public registers, in which the various sorts of writings affecting heritable property therein enumerated or referred were to be made patent to the lieges, and by two other Acts of the Parliament of Scotland passed in the years 1669 and 1681 the provisions in the foresaid Act are extended to instruments of resignation ad remanentiam, and to writs affecting heritable property within royal burghs: And that various questions have arisen as to the validity of instruments of sasine and resignation ad remanentiam recorded in such registers, founded on alleged erasures in the said instruments not patent to the lieges nor appearing on the record thereof, whereby a want of confidence in the security of the land rights of Scotland has been produced which ought to be removed:—

It is Enacted,

I. That no challenge of any instrument of sasine or resignation ad remanentiam shall hereafter receive effect, either by reduction or exception, on the ground that any part of the said instrument is written on an erasure, unless it shall be averred

and proved that such erasure had been made for the purpose of fraud, or the record thereof is not conformable to the instrument as presented for registration: Provided always, that nothing herein contained shall affect any judgment pronounced before the 12th of May 1835, but that all parties who before the said 12th of May 1835 shall have objected judicially to the validity of any such instrument or instruments, on the ground of erasure in any suit in which judgment was pronounced on or before the said 12th of May 1835, shall be entitled to such costs as the Court of Session in its discretion shall think fit to direct: Provided also, that nothing herein contained shall extend or be construed to extend to instruments of sasine or resignation and sasine propriis manibus; provided also, that where any feudal title of property or title in security has been completed in order to remedy or supply defects arising from erasures in instruments of sasine, the validity of the said titles shall not be affected by anything herein contained.

11. That this Act may be altered, amended, or repealed by any Act to be passed during the present session of Parliament.

CAP. XXXIV.

AN ACT to amend an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland.

(14th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Counties, &c. (except the county of Cork,) not yet divided into districts for holding petty sessions may be so divided at the October sessions after the passing of this Act or at any January sessions.
2. Justices to take down the evidence in criminal cases in writing.
3. Clerk of petty sessions to keep an account of fines paid to him.
4. Clerks of petty sessions to make returns to the Chief or Under Secretary.
5. Informations, &c. taken before Justices to be transmitted to Clerk of petty sessions, and a list thereof forwarded by him to Chief Secretary every three months.
6. Informations, &c. at petty sessions to be transmitted in 14 days from the committal or bailment of the accused.
7. One Justice may act at petty sessions in certain cases.
8. Justices to bind parties complaining of assaults in recognisances to attend petty sessions and prosecute.—Recognisances may be extorted if party fail to attend.
9. Justices empowered to compel witnesses to attend at petty sessions.
10. Justices at petty sessions may fix the Infirmary, &c. to which fines at petty sessions are to be paid.
11. Clerk of the Peace or Clerk of the Crown to keep an office, to be attended by himself or some competent person three hours a day.
12. Fee for engrossing informations not to exceed 2s.

By this Act,

After reciting that by an Act, 7 & 8 Geo. 4. c. 67, it was enacted, that it should and might be lawful to and for the Justices of the Peace, save and except within the county of Cork, within their respective jurisdictions, at the January sessions to be holden next after the passing of that Act, to divide the county, county of a city, or county of a town for which such sessions should be holden into districts for the purposes of that Act, in manner in the said Act mentioned: and that there are some counties in Ireland which were not so divided at the January sessions holden next after the passing of the said Act, and it is expedient that the same should be so divided, notwithstanding the time for doing so has expired.

It is Enacted,

1. That it shall and may be lawful to and for the Justices of the Peace, save and except within the county of Cork, of any county, county of a city, or county of a town, which has not been divided into districts for holding petty sessions under the said recited Act, and they are hereby required within their respective jurisdictions at the October sessions to be holden next after the passing of this Act, or at any subsequent January sessions, to divide the county, county of a city, or county of a town for which such sessions shall be holden into such districts for the purposes of the said recited Act and of this Act as to them shall seem most expedient, fixing within every such district a place or places wherein the petty sessions shall be holden for such district respectively; and every such division may be altered, and such order in writing shall be made, specifying the boundaries thereof, as is directed by the said recited Act, and the several other matters directed to be done in respect of any such division by the said recited Act shall be done and performed upon and in respect of every such division made under the authority of this Act, and every such division shall be as valid and effectual to all intents and purposes as if the same had been made at the January sessions next after the passing of the said recited Act, and every petty sessions court held in any such district shall be subject to all the rules and regulations made and provided in and by the said recited Act as to the appointment of a clerk to said court and the taking of fees therein, and to all other matters to be done at such court, or by any Magistrate or Magistrates therein, as if the same were expressly repeated in this Act and re-enacted herein, save so far as the same are varied or altered by this Act.

11. That in every case where any Magistrate or Magistrates shall at any petty sessions court appointed under the said recited Act or this Act proceed in a summary way to try any information or complaint of a criminal nature, or upon which any

pecuniary or other penalty may be awarded, such Magistrate or Magistrates, or one of them if there be more than one, shall take or cause to be taken a note or minute in writing of the evidence given on oath for the prosecution and for the defence, or of so much thereof as shall be material, in a book to be kept in said court by the clerk of the said petty sessions, should the plaintiff or defendant so require it, with the registry or record of the proceedings done at such petty sessions, and such book shall be signed by the Justice or Justices by whom such information or complaint shall have been heard on the day on which such complaint or information shall have been determined.

III. That the clerk of every petty sessions court shall enter in the book kept by him, containing a record of the proceedings at petty sessions, an account in writing of all fines or penalties, or portions of fines or penalties, imposed at said court, and paid to or deposited with him by order of the Justices attending thereat or otherwise, and of the appropriation thereof, and such account shall be always open to the inspection of any Justice at such petty sessions; and if he shall neglect to do so, or shall make any false entry in such account, he shall forfeit for every such offence a sum of 5*l.*, to be recovered by any person who will sue for the same by civil bill before the assistant barrister of the county.

IV. That once in every three months after the passing of this Act the clerk of every petty sessions court shall make out and transmit to the Chief Secretary to the Lord Lieutenant of Ireland, or in his absence to the Under Secretary for the time being, a return under his hand, in the form in the Schedule to this Act annexed, of the proceedings at such petty sessions, and also the appropriation of all fees, fines, penalties, and portions of fines and penalties, received by the Justices or clerk of such petty sessions, and that every such clerk who shall wilfully make default in transmitting such return, or shall wilfully make an untrue statement therein, shall, on conviction thereof before any two Justices of the Peace of the said county, forfeit and pay for every such offence any sum not exceeding 5*l.*, to be levied by distress and sale of the goods and chattels of such person so offending.

V. That from and after the passing of this Act every information, examination, and recognizance sworn, taken, or acknowledged by or before any Justice or Justices not sitting in petty sessions, shall with all convenient despatch, and at the latest before the petty sessions then next ensuing for the district where the case may have arisen, be transmitted to the clerk of petty sessions of such district; and shall be by him laid before the bench of Justices at the next petty sessions after he shall have received such informations, examinations, and recognizances; and every petty sessions clerk shall keep a distinct and separate list of the informations, examinations, and recognizances so transmitted to him, containing the subject-matter thereof, the dates of the taking or acknowledging of the same, and the dates of the receipt of the same by him respectively, and shall every three months transmit a copy of such list to the Chief Secretary to the Lord Lieutenant, along with the quarterly return of the proceedings at petty sessions.

VI. That from and after the passing of this Act every information, examination, and recognizance sworn, taken or acknowledged at any petty sessions in Ireland shall be transmitted by the Magistrates at such sessions, or the clerk of such petty sessions, to the clerk of the crown of the county, county of a city, or county of a town in which such sessions are holden, if the same shall relate to any matter to be tried or inquired into at the assizes, and if to any matter to be tried or inquired into at the Quarter Sessions, then to the clerk of the peace of such county, city, or town, fourteen days at the latest from the date of the committal for trial, or of the bailment of the party or parties accused by or in such informations, or of the taking of such recognizance, as the case may be, together with all such informations, examinations, and recognizances taken by or before a Justice or Justices not sitting in petty sessions as may then be in the hands of such petty sessions clerk, anything in the said recited Act, or in an Act, 9 Geo. 4. c. 54, intituled 'An Act for improving the Administration of Justice in Criminal Cases in Ireland,' to the contrary thereof notwithstanding; and the clerk of the petty sessions shall on every such information and recognizance indorse the true date of its being so transmitted, and shall, on the day before the day for holding each petty session, enter in the book containing an entry of the proceedings at the petty sessions, an account in writing stating the particulars of the informations so transmitted by him since the last sitting of such petty sessions, and to whom transmitted, and shall sign such account; and if any clerk of petty sessions shall omit or neglect to transmit any such examination, information, or recognizance to the officer to whom it ought to be transmitted within the time aforesaid, or to enter or sign such account as aforesaid, he shall forfeit for every such omission or neglect a sum of 5*l.*, to be recovered by civil bill, before the assistant barrister of the county, by any person who will sue for the same.

And after reciting that it is by the said recited Act amongst other things enacted, "that every warrant, information, conviction, committal, recognizance, or order of the Justices of petty sessions shall be signed by two Justices at the least," and in consequence of the said enactment requiring the attendance of two Justices at every petty sessions, frequent adjournments of such petty sessions have taken place from the non-attendance of a sufficient number of Justices, although in many cases one Justice would be legally competent to transact certain parts of the business to be disposed of at such petty sessions:—

It is Enacted,

VII. That in all cases in which by law any warrant, conviction, committal, or order may be made, or if that Act had not been passed might have been made by, or any information or recognizance taken before one Justice of the Peace alone, it shall and may be lawful to and for any one Justice of the Peace attending alone at the time and place fixed for holding any petty sessions to proceed in open court, notwithstanding the absence of any other Justice or Justices, to hear, determine, and dispose of all complaints, informations, matters, and things whatsoever then ready to be heard, determined, and disposed of at such petty sessions, which one Justice of the Peace is or may be by law competent to hear, determine, or dispose of, or which might have been heard, determined, or disposed of by one Justice if that Act had not passed, and to sign any warrant, conviction, order, or committal, and to take any information or recognizance upon or relating to every suit, complaint, information, matter or thing which by law one Justice sitting alone is or may be empowered to sign or take, or could have signed or taken, if that Act had not been passed.

VIII. That every Justice of the Peace at petty sessions or elsewhere, who shall receive any information on oath from any person complaining of his or her having been assaulted, and who shall thereupon sign any summons or warrant against any person or persons in order to their attending at any petty sessions to answer such complaint, shall be at liberty, if he shall

think fit, before issuing such summons or warrant to be served or executed to bind the party or parties complainants in such information, by recognizance to our Lord the King, in a sum not exceeding 20s., to attend and prosecute their said information at such petty sessions; and it shall and may be lawful for the Justices at such petty sessions or any one acting as aforesaid, if he or they shall think fit, to estreat any such recognizance on default of the party or parties thereto in not attending and prosecuting their said complaint and information, and to return the same to the Clerk of the Peace of the county, county of a city, or county of a town; and it shall be lawful for the assistant barrister at the next quarter sessions, if he shall think fit, to issue his decree for the levying of the whole of the sums secured by such recognizance, or such part thereof as he shall think proper, and to direct the same to be paid to such infirmary, hospital, or dispensary as he shall think fit, and such decree shall have the force of any decree of such assistant barrister, and shall be in such form as he shall think proper.

IX. That in every civil or criminal proceeding in which any Justice or Justices of the Peace has or have or shall under any Act to be hereafter passed have jurisdiction to hear and determine any complaint, such Justice or Justices shall have full power and authority to compel the attendance of any person, resident or being within the county or district for which he or they is or are a Justice or Justices, as a witness at any petty sessions on the hearing of such complaint, and to examine such person as to the matter of such complaint, or the defence thereto, and to punish such person for disobedience to any summons requiring him to attend, or for refusing to be examined, as fully as any such Justice or Justices could do if such person had been summoned to give evidence at any general sessions of the peace in any criminal matter, and had refused to obey such summons or to give evidence.

And after reciting that by law many fines and penalties and portions of fines and penalties are made payable to the infirmary of the county, city, town, or place wherein the conviction shall take place, and it is in some cases doubtful to what infirmary the same should be paid, and that it may be expedient from time to time to direct the payment of such monies to particular local charities;—

It is Enacted,

x. That it shall and may be lawful to and for the Justices at petty sessions, not less than three being present, to declare and fix to what infirmary or infirmaries, hospital or hospitals, dispensary or dispensaries, supported in whole or in part by payment of any grand jury, the fines and penalties imposed at every or any petty sessions holden within such county, county of a city, or county of a town, and payable by law to the infirmary of the county, city, town, or place wherein the conviction shall take place, shall be paid, and from time to time to alter every such place of payment as they may think fit; and the clerk of petty sessions shall insert all receipts and payments made, together with the name of the institution to which such payments are made, in the proper columns of the Schedule to be returned every three months to the Chief Secretary for Ireland, according to the provisions of the fourth section of this Act and the Form of Return annexed, which return is to be signed by the clerk of the petty sessions, and countersigned by the Justices; and every such infirmary, hospital, and dispensary so fixed by such grand jury shall be deemed entitled to the payment of such fine and fines, and to all the remedies for the recovery and enforcing the payment of and accounting for the same provided by law for enforcing such payment and account to any county infirmary.

xi. That from and after the passing of this Act every person who now holds or shall at any time hereafter hold the office of clerk of the peace or clerk of the crown of any county, or county of a city, or county of a town in Ireland shall keep, in the place or town in the county, city, or town of which he shall be such clerk of the crown or clerk of the peace in which the assizes for such county, town, or city are or shall be holden, an office in which he or some sufficient and competent person appointed by him shall attend, and such office shall be kept open every day, except Sunday, Good Friday, and Christmas Day, from the hour of twelve of the clock until three of the clock in the afternoon; and if any clerk of the peace or clerk of the crown shall omit or neglect to keep such office open, and to attend by himself or some sufficient person in the same during the said period of three hours in each day, or any part thereof, he shall, for every such omission or neglect, forfeit the sum of 5l. to any person who will sue for the same, by civil bill before the assistant barrister having jurisdiction to determine causes by civil bill in the place or district in which such office is or ought to be kept, or by action in any of the superior courts, and such clerk of the peace or clerk of the crown shall and may be fined (whether sued for such penalty or not) by any Judge of Assize in such place such sum, not exceeding 10l., as he shall think proper for such omission or neglect.

xii. That from and after the passing of this Act it shall not be lawful for any clerk of petty sessions in Ireland to demand or receive for engrossing or preparing any number of informations relating to the same transaction any greater fee or reward than the sum of 2s., and that he shall not demand or receive from any person any fee for engrossing or preparing any recognizance unless he shall be required by such person, or some person on his behalf, to prepare the same.

SCHEDULE.

County of	Barony of		
RETURN of PROCEEDINGS in PETTY SESSIONS held at	for the District of		during the
Quarter ended the	Day of	One thousand eight hundred and	
		Clerk of Petty Sessions.	
		Date of Transmission to Chief or Under Secretary.	

Attending Magistrates, and the Number of their respective Attendances in the Quarter.	Total Number of Informations submitted to the Magistrates.	Of which there were			Dates when returned and No. returned on each Day.	No. of Civil Cases.	Amount of Fees received, and how applied.	Amount of Fines and Penalties paid to Clerk or Justices, and how disposed of.	Remarks.
		Adjudicated summarily.	Returned for Trial.						
			To the Clerk of the Crown	To the Clerk of the Peace.					
A. B. Esq. - - - 6									
C. D. Esq. - - - 4									
et cætera, et cætera.									

N.B.—In the Column of Remarks the Clerk of Petty Sessions must state the Number of Days on which Petty Sessions were holden in the Quarter, and also the Number of Days on which Petty Sessions were not holden, in consequence of the Non-attendance of Magistrates.

CAP. XXXV.

AN ACT for further improving the Road between *London* and *Holyhead*, by *Coventry*, *Birmingham*, and *Shrewsbury*.

(14th July 1836.)

CAP. XXXVI.—IRELAND.

AN ACT to amend an Act passed in the present Session of Parliament, for consolidating the Laws relating to the Constabulary Force in *Ireland*.

(28th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Salary of Paymasters under 6 Will. 4. c. 13, to be 200*l.* instead of 100*l.*, and of sub-constables to be 28*l.* instead of 25*l.**
2. *Counties not to be liable for expenses of horses, arms, &c., nor of county Inspectors.*

By this ACT,

After reciting the passing of the above Act, and that it is expedient to amend it in certain respects:—

It is Enacted,

1. That it shall be lawful for the Lord Lieutenant or other chief Governor or Governors of *Ireland* to fix and appoint such annual salary as to him or them may from time to time seem proper to be paid to each paymaster appointed or to be appointed under the said Act, not exceeding 200*l.* instead of not exceeding 100*l.* as limited by the said Act; and in like manner to fix and appoint such annual salary as to him or them may from time to time seem proper to be paid to each sub-constable appointed or to be appointed under the said Act, not exceeding 28*l.* instead of not exceeding 25*l.* as limited by the said Act.

II. That for the purpose of calculating the proportion of the monies advanced out of the produce of the Consolidated Fund under the provisions of the said Act, to be raised by grand jury presentment off the several counties, counties of cities, and counties of towns liable to the repayment of the same, as in the said Act mentioned, all such sums as shall be or have been advanced for the purposes hereinafter mentioned, or any of them, shall, in addition to the salaries and expenses by such Act directed to be excepted out of such advances in calculating such proportion as aforesaid, be deducted from the amount of such advances; (that is to say,) all such sums as shall be or have been advanced for the purchase or repair of arms, ammunition, accoutrements, and other articles of outfit, horses, forage, livery, grazing, saddlery, and all other horse appointments and attendant expenses, postage, stationery, and printing, or for the salaries and necessary expenses of the four county Inspectors to be appointed under the said Act; and a moiety of the residue only of the amount of such advances, after making therefrom

such deductions as by the said Act and this Act directed, shall be raised by grand jury presentment off each county, county of a city, or county of a town, as the case may be, to which the same shall be declared by the said Lord Lieutenant or other chief Governor or Governors to relate; anything in the said recited Act contained to the contrary hereof notwithstanding.

CAP. XXXVII.

AN ACT to repeal the several Acts now in force relating to Bread to be sold out of the City of London and the Liberties thereof and beyond the Weekly Bills of Mortality and Ten Miles of the Royal Exchange; and to provide other Regulations for the making and Sale of Bread, and for preventing the Adulteration of Meal, Flour, and Bread, beyond the Limits aforesaid.

(28th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. All Acts relating to the making and selling of bread, or to the punishment for adulterating meal, &c. out of the city of London and beyond the bills of mortality, repealed.
2. Bread made of the articles herein mentioned may be sold.
3. Bakers to make bread of any weight or size.
4. Bread to be sold by weight, and in no other manner.—Penalty.—Proviso for French and fancy bread and rolls.
5. Bakers to use avoirdupois weight.—Penalty for using any other.
6. Bakers to provide in their shops beams, scales and weights, &c. and to weigh bread, &c.—Penalty.
7. Bakers and sellers of bread, &c. delivering by cart, &c. to be provided with scales, weights, &c. for weighing bread.—Penalty.
8. Adulterating bread.—Penalty.—Names of offenders to be published.
9. Adulterating corn, meal, or flour.—Selling flour of one sort of corn as the flour of another sort.—Penalty.
10. Bread made of mixed meal or flour to be marked with a Roman M.—Penalty.—Proviso.
11. Magistrates or peace officers by their warrants may search a baker's premises, and if any adulterated flour, bread, &c. be found, the same may be seized, and disposed of as herein mentioned.
12. Penalty if ingredients for adulteration of meal or bread are found in any premises.—First offence;—second offence;—subsequent offence.—Names of offenders to be published.
13. Obstructing search.—Penalty.—Offences occasioned by wilful default of journeymen and servants.—Proceedings.—If penalty on journeymen is not paid, Magistrates may order imprisonment, &c.
14. Bakers not to bake bread or rolls on the Lord's Day, or sell bread or bake pies, &c., except between certain hours.—Penalty.—First offence;—second offence;—subsequent offence.—Bakings may be delivered till half-past one on Sundays.
15. No miller, mealman, or baker to act as a Justice of the Peace under this Act.—Penalty, 100*l*.
16. Opposing execution of the Act.—Penalty.
17. Recovery and application of penalties and forfeitures.—Distress.—Imprisonment.
18. Form of summons.
19. Form of information.
20. Informations to be laid before acting Magistrates of district.
21. Power to summon witnesses in prosecuting offences.—Tender of expenses.—Examination upon oath.—Committal.
22. False evidence, perjury.
23. Form of conviction.
24. Proceedings not to be quashed for want of form.—Tender of amends.
25. Appeal to Quarter Sessions.—Recognizance.—Determination to be final.—Costs.—Appellant not paying sum adjudged against him to be committed.—Costs to appellant making good his appeal.
26. Where conviction within six days of quarter sessions, time allowed for appeal.
27. As to penalties in Scotland.
28. Appeal in Scotland to Commissioners of Justiciary at Circuit Court.
29. Limitation of actions.—Part of 24 Geo. 2. c. 44. extended to this Act.—Service of writ upon peace officer.—Tender of amends.—Costs.
30. In actions for executing Act, general issue may be pleaded.—Tresble costs.
31. Limitation of information.
32. Application of penalties.
33. Proviso for rights of particular persons.
34. Commencement of Act.
35. Act not to extend to Ireland.
36. Act may be amended this session.

By this Act,

After reciting that by 3 Geo. 4. c. 106, intituled, 'An Act to repeal the Acts now in force relating to Bread to be sold in the City of London and the Liberties thereof, and within the Weekly Bills of Mortality and Ten Miles of the Royal Exchange; and to provide other Regulations for the making and Sale of Bread, and preventing the Adulteration of Meal, Flour, and Bread, within the Limits aforesaid,' certain regulations and provisions were made relative to the making and selling of bread, and for preventing the adulteration of meal, flour, and bread, within the aforesaid limits, which have been found beneficial to

the public as well as to the bakers within the said limits: And that it is deemed expedient that the several Acts of Parliament now in force relating to the making and selling of bread, or to the assize and price thereof, or to the adulteration of meal, flour, or bread, beyond the limits aforesaid, should be altogether repealed, and that in lieu thereof the regulations, provisions, and penalties hereinafter contained, and which are similar to those contained in the said recited Act, 3 Geo. 4, should be substituted: But inasmuch as the purposes aforesaid cannot be effected without the aid and authority of Parliament;—

It is Enacted,

- I. That from and after the 1st of October 1836 all and every Acts or Act of Parliament now in force relating to the making and selling of bread, or to the assize and price thereof, or to the punishment of persons who shall adulterate meal, flour, or bread, or who shall sell bread deficient in its due weight, out of the city of London and the liberties thereof, and beyond the weekly bills of mortality and ten miles of the Royal Exchange, be and the same are hereby repealed; and there shall be no longer any assize of bread beyond the limits aforesaid, or any regulation respecting the price thereof.
- II. That it shall and may be lawful for the several bakers or sellers of bread out of the city of London and the liberties thereof, and beyond the weekly bills of mortality and ten miles of the Royal Exchange, to make and sell, or offer for sale, in his, her, or their shop, or to deliver to his, her, or their customer or customers, bread made of flour or meal of wheat, barley, rye, oats, buck wheat, Indian corn, peas, beans, rice, or potatoes, or any of them, and with any common salt, pure water, eggs, milk, barm, leaven, potato, or other yeast, and mixed in such proportions as they shall think fit, and with no other ingredient or matter whatsoever, subject to the regulations hereinafter contained.
- III. That it shall and may be lawful for the several bakers or sellers of bread beyond the limits aforesaid to make and sell, or offer for sale, in his, her, or their shop, or to deliver to his, her, or their customer or customers, bread made of such weight or size as such bakers or sellers of bread shall think fit; any law or usage to the contrary notwithstanding.
- IV. That from and after the commencement of this Act all bread sold beyond the limits aforesaid shall be sold by the several bakers or sellers of bread respectively beyond the said limits by weight; and in case any baker or seller of bread beyond the limits aforesaid shall sell or cause to be sold bread in any other manner than by weight, then and in such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding 40s., which the Magistrate or Magistrates, Justice or Justices before whom such offender or offenders shall be convicted shall order and direct: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any such baker or seller of bread from selling bread usually sold under the denomination of French or fancy bread or rolls without previously weighing the same.
- V. That the several bakers or sellers of bread respectively beyond the said limits in the sale of bread shall use avoirdupois weight of sixteen ounces to the pound, according to the standard in the Exchequer, and the several gradations of the same for any less quantity than a pound; and in case any such baker or seller of bread shall at any time use any other than the avoirdupois weight, and the several gradations of the same, he, she, or they shall for every such offence forfeit and pay any sum not exceeding 5l. nor less than 40s., as the Magistrate or Magistrates, Justice or Justices before whom such conviction shall take place shall from time to time order and adjudge.
- VI. That every baker or seller of bread beyond the limits aforesaid shall cause to be fixed in some conspicuous part of his, her, or their shop, on or near the counter, a beam and scales with proper weights, or other sufficient balance, in order that all bread there sold may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread shall neglect to fix such beam and scales, or other sufficient balance, in manner aforesaid, or to provide and keep for use proper beam and scales and proper weights, or balance, or shall have or use any incorrect or false beam or scales or balance, or any false weight not being of the weight it purports to be, according to the standard in the Exchequer, then and in every such case he, she, or they shall for every such false beam and scales and balance, or false weight, forfeit and pay any sum not exceeding 5l., which the Magistrate or Magistrates, Justice or Justices before whom such offender or offenders shall be convicted shall order and direct.
- VII. That every baker or seller of bread beyond the limits aforesaid, and every journeyman, servant, or other person employed by such baker or seller of bread, who shall convey or carry out bread for sale in and from any cart or other carriage, shall be provided with and shall constantly carry in such cart or other carriage a correct beam and scales with proper weights, or other sufficient balance, in order that all bread sold by every such baker or seller of bread, or by his or her journeyman, servant, or other person, may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread, or his or her journeyman, servant, or other person, shall at any time carry out or deliver any bread without being provided with such beam and scales with proper weights, or other sufficient balance, or whose weights shall be deficient in their due weight according to the standard in the Exchequer, or shall at any time refuse to weigh any bread purchased of him, her, or them, or delivered by his, her, or their journeyman, servant, or other person, in the presence of the person or persons purchasing or receiving the same, then and in every such case every such baker or seller of bread shall for every such offence forfeit and pay any sum not exceeding 5l., which the Magistrate or Magistrates, Justice or Justices before whom such offender or offenders shall be convicted shall order and direct.
- VIII. That no baker or other person or persons who shall make bread for sale beyond the limits aforesaid, nor any journeyman or other servant of any such baker or other person, shall at any time or times in the making of bread for sale beyond such limits use any mixture or ingredient whatsoever in the making of such bread, other than and except as hereinbefore mentioned, on any account or under any colour or pretence whatsoever, upon pain that every such person, whether master or journeyman, servant or other person, who shall offend in the premises, and shall be convicted of any such offence by the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, or by his, her, or their own confession, shall for every such offence forfeit and pay any sum not exceeding 10l. nor less than 5l., or in default thereof shall, by warrant under the hands and seals of the Magistrate or Magistrates, Justice or Justices, before whom such offender shall be convicted, be apprehended and committed to the house of correction or some prison of the city, county, borough, or place where the offence shall have been committed, or the offender or offenders shall be apprehended, there to remain for any time not exceeding six calendar months with or without hard labour from the time of such commitment, unless the penalty shall be sooner paid, as any such

Magistrate or Magistrates, Justice or Justices, shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices before whom any such offender or offenders shall be convicted to cause the offender's name, place of abode, and offence to be published in some newspaper, which shall be printed or published in or near the city, county, borough, or place where the offence shall have been committed, and to defray the expense of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid or recovered.

IX. That if any person beyond the limits aforesaid shall put into any corn, meal, or flour which shall be ground, dressed, bolted, or manufactured for sale beyond such limits, either at the time of grinding, dressing, bolting, or manufacturing the same, or at any other time, any ingredient or mixture whatsoever not being the real and genuine produce of the corn or grain which shall be so ground; or if any person shall beyond the limits aforesaid knowingly sell or offer or expose for sale, either separately or mixed, any meal or flour of one sort of corn or grain as the meal or flour of any other sort of corn or grain, or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale, then and in every such case every person so offending shall, upon conviction before any one or more Magistrate or Magistrates, Justice or Justices, of the city, county, borough, or place where such offence shall have been committed, on the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, or by his, her or their own confession, forfeit and pay for every such offence any sum not exceeding 20*l.* nor less than 5*l.*, which such Magistrate or Magistrates, Justice or Justices, before whom any such offender or offenders shall be convicted shall think fit and order.

X. That every person who shall make for sale, or sell or expose for sale, beyond the limits aforesaid, any bread made wholly or partially of peas or beans, or potatoes, or of any sort of corn or grain other than wheat, shall cause all such bread to be marked with a large Roman M; and if any person shall at any time beyond the limits aforesaid make or sell, or expose for sale, any such bread without such mark as hereinbefore directed, then and in every such case every person so offending shall, upon conviction in manner hereinafter mentioned, forfeit and pay for every pound weight of such bread, and so in proportion for any less quantity which shall be so made for sale, or sold or exposed for sale, without being so marked as aforesaid, any sum not exceeding 10*l.* as the Magistrate or Magistrates, Justice or Justices, before whom such conviction shall take place shall from time to time order and adjudge: Provided always, that nothing in this Act contained shall extend or be construed to extend to require any bread made of the meal or flour of wheat only, and in the making of which potato yeast shall be used, to be marked as hereinbefore is mentioned.

XI. That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of their respective jurisdictions, and also for any peace officer or officers authorized by warrant under the hand and seal or hands and seals of any such Magistrate or Magistrates, Justice or Justices, (and which warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant,) at seasonable times in the daytime, to enter into any house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, or ground of or belonging to any miller, mealman, or baker, or other person who shall grind grain, or dress or bolt meal or flour, or make bread for reward or sale, beyond the limits aforesaid, and to search or examine whether any mixture or ingredient not the genuine produce of the grain such meal or flour shall import or ought to be shall have been mixed up with or put into any meal or flour in the possession of such miller, mealman, or baker, either in the grinding of any grain at the mill, or in the dressing, bolting, or manufacturing thereof, whereby the purity of any meal or flour is or shall be in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Act shall have been mixed up with or put into any dough or bread in the possession of any such baker or other person, whereby any such dough or bread is or shall be in anywise adulterated, and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture; and if on any such search it shall appear that any such meal, flour, dough, or bread so found shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found which shall seem to have been deposited there in order to be used in the adulteration of meal, flour, or bread, then and in every such case it shall be lawful for every such Magistrate or Magistrates, Justice or Justices of the Peace, or officer or officers authorized as aforesaid respectively, within the limits of their respective jurisdictions, to seize and take any meal, flour, dough, or bread which shall be found in any such search, and deemed to have been adulterated, and all ingredients and mixtures which shall be found and deemed to have been used, or intended to be used in or for any such adulteration as aforesaid; and such part thereof as shall be seized by any peace officer or officers authorized as aforesaid shall, with all convenient speed after seizure, be carried to the nearest resident Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of whose jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall make any such seizure in pursuance of this Act, or to whom anything so seized under the authority of this Act shall be brought, shall adjudge that any such meal, flour, dough, or bread so seized shall have been adulterated by mixture or ingredient put therein other than is allowed by this Act, or shall adjudge that any ingredient or mixture so found as aforesaid shall have been deposited or kept where so found for the purpose of adulterating meal, flour, or bread, then and in any such case every such Magistrate or Magistrates, Justice or Justices of the Peace, is and are hereby required, within the limits of their respective jurisdictions, to dispose of the same as he or they, in his or their discretion, shall from time to time think proper.

XII. That every miller, mealman, or baker beyond the limits aforesaid, in whose house, mill, shop, stall, bakehouse, bolting house, pastry warehouse, outhouse, ground, or possession any ingredient or mixture shall be found which shall, after due examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been deposited there for the purpose of being used in adulterating meal, flour, or bread, shall, on being convicted of any such offence, either by his, her, or their own confession, or by the oath, or in case of a Quaker by affirmation, of one or more credible witness or witnesses, forfeit and pay on every such conviction any sum not exceeding 10*l.* nor less than 40*l.* for the first offence, 5*l.* for the second offence, and 10*l.* for every subsequent offence, or in default of payment thereof shall, by warrant under the hand and seal or hands and seals of the Magistrate or Magistrates, Justice or Justices, before whom such offender shall be convicted, be apprehended and committed to the house of correction or some prison of the city, county, or place where the offence shall have been committed, or the offender or offenders shall be apprehended, there to remain for any time not exceeding six calendar months with or without hard labour from the time of such commitment (unless the penalty be sooner paid), as any such Magistrate or Magistrates, Justice or Justices, shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice

or Justices, before whom any such offender shall be convicted to cause the offender's name, place of abode, and offence to be published in some newspaper which shall be printed or published in or near the city, county, borough, or place where the offence shall have been committed, and to defray the expense of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid, or recovered.

XIII. That if any person or persons shall wilfully obstruct or hinder any such search as hereinbefore is authorized to be made, or the seizure of any meal, flour, dough, or bread, or of any ingredient or mixture which shall be found on any such search, and deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal, flour, dough, or bread, or shall wilfully oppose or resist any such search being made, or the carrying away any such ingredient or mixture as aforesaid, or any meal, flour, dough, or bread which shall be seized as being adulterated, or as not being made pursuant to this Act, he, she, or they so doing or offending in any of the cases last aforesaid shall for every such offence, on being convicted thereof, forfeit and pay such sum, not exceeding 10*l*. as the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted shall think fit and order: Provided also, that if any person making or who shall make bread for sale beyond the limits aforesaid shall at any time make complaint to any Magistrate or Magistrates, Justice or Justices of the Peace, within his or their jurisdiction, and make appeal to him or them, by the oath, or in case of a Quaker by affirmation, of any credible witness, that any offence which such person shall have been charged with, and for which he or she shall have incurred and paid any penalty under this Act, shall have been occasioned by or through the wilful act, neglect, or default of any journeyman, or other servant employed by or under such person so making complaint, then and in any such case, any such Magistrate or Magistrates, Justice or Justices, may and is or are hereby required to issue out his or their warrant, under his or their hand and seal or respective hands and seals, for bringing any such journeyman or servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the city, county, division, or place where the offender can be found; and on any such journeyman or servant being thereupon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective jurisdictions, is and are hereby authorized and required to examine into the matter of such complaint, and on proof thereof upon oath or affirmation, to the satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace, who shall hear such complaint, then any such Magistrate or Magistrates, Justice or Justices, is and are hereby directed and authorized, by any order under his or their respective hand or hands, to adjudge and order what reasonable sum of money shall be paid by any such journeyman or servant to his master or mistress as or by way of recompence to him or her for the money he or she shall have paid by reason of the wilful act, neglect, or default of any such journeyman or servant; and if any such journeyman or servant shall neglect or refuse, on his conviction, to make immediate payment of the sum of money which any such Magistrate or Magistrates, Justice or Justices, shall order him to pay by reason of such his said wilful neglect or default, then any such Magistrate or Magistrates, Justice or Justices, within his or their respective jurisdiction, is or are hereby authorized and required, by warrant under his or their hand and seal or hands and seals, to cause such journeyman or servant to be apprehended and committed to the house of correction, or some other prison of the city, county, division, or place in which such journeyman or servant shall be apprehended or convicted, to be there kept to hard labour for any term not exceeding one calendar month nor less than ten days from the time of such commitment, as to such Magistrate or Magistrates, Justice or Justices, shall seem reasonable, unless payment shall be made of the money ordered after such commitment and before the expiration of the said term.

XIV. Provided, that no master or mistress, journeyman, or other person exercising or employed in the trade or calling of a baker beyond the limits aforesaid, shall on the Lord's Day, or on any part thereof, make or bake any bread, rolls, or cakes of any sort or kind, or shall on any other part of the said day after the hour of half-past one of the clock in the afternoon sell or expose for sale, or permit or suffer to be sold or exposed for sale, any bread, rolls, or cakes of any sort or kind, or bake or deliver, or permit or suffer to be baked or delivered, any meat, pudding, pie, tart, or victuals, or in any other manner exercise the trade or calling of a baker, or be engaged or employed in the business or occupation thereof, save and except so far as may be necessary in setting and superintending the sponge to prepare the bread or dough for the following day's baking; and every person offending against the last-mentioned regulations, or any one or more of them, and being thereof convicted before any Justice of the Peace of the city, county, or place where the offence shall be committed, within six days from the commission thereof, either upon the view of such Justice, or on confession by the party, or proof by one or more witness or witnesses upon oath or affirmation, shall for every such offence pay and undergo the forfeiture, penalty, and punishment herein-after mentioned; (that is to say,) for the first offence the penalty of 10*s*., for the second offence the penalty of 20*s*., and for the third and every subsequent offence respectively the penalty of 40*s*., and shall moreover, upon every such conviction, bear and pay the costs and expenses of the prosecution, such costs and expenses to be assessed, settled, and ascertained by the Justice convicting, and the amount thereof, together with such part of the penalty as such Justice shall think proper, to be allowed to the prosecutor or prosecutors for loss of time in instituting and following up the prosecution, at a rate not exceeding 3*s*. per diem, and to be paid to the prosecutor or prosecutors for his, her, or their own use and benefit, and the residue of such penalty to be paid to such Justice, and within seven days after his receipt thereof to be transferred by him to some one of the overseers of the poor, or to some other officer (as the convicting Justice or Justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding, or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid; and in case the whole amount of the penalty, and of the costs and expenses aforesaid, be not forthwith paid after conviction of the offender or offenders, such Justice shall and may, by warrant under his hand and seal, direct the same to be raised and levied by distress and sale of the goods and chattels of the offender or offenders, and in default and insufficiency of such distress commit the offender or offenders to the house of correction, with or without hard labour, on a first offence for the space of seven days, on a second offence for the space of fourteen days, and on a third or any subsequent offence for the space of one month, with or without hard labour, unless the whole of the penalty, costs, and expenses be sooner paid and discharged: Provided nevertheless, that it shall be lawful for every baker residing beyond the limits aforesaid to deliver to his or her customers on the Lord's Day any bakings until half an hour past one of the clock in the

xx. Provided, That all offences committed against this Act shall be laid before the Magistrate or Magistrates, Justice or Justices, usually acting in and for the district in which the offence shall have been committed, in a summary way, upon com-

gaol of the city, county, division, or place where he, she, or they shall be apprehended, until he, she, or they shall make payment of such penalty, and of the costs and charges which shall be adjudged on the conviction; but if the appellant or appellants in any such appeal shall make good his, her, or their appeal, and be discharged of the said conviction, reasonable costs shall be awarded to the appellant or appellants against such informer or informers who would (in case of such conviction) have been entitled to a moiety of the penalty to have been recovered as aforesaid, and which costs shall and may be recovered by the appellant or appellants against any such informer or informers in like manner as costs given at any General or General Quarter Sessions are recoverable: Provided always, that no person shall be detained in prison for any such offence for any greater length of time than three calendar months.

XXVI. Provided, That if any such conviction shall happen to be made within six days before any General or General Quarter Sessions of the Peace shall be held for the city, county, division, town corporate, borough, or place where such conviction shall have been made, the party or parties who shall think him, her, or themselves aggrieved by any such conviction shall and may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal either to the then next or next following General or General Quarter Sessions of the Peace which shall be held for any such county, division, city, town corporate, borough, liberty, or place where any such conviction shall have been made.

XXVII. That in Scotland all penalties incurred under the provisions of this Act or of any of the before-recited Acts shall be recoverable, with expenses, either before the sheriff of the county or the Magistrates of the burgh or town corporate wherein the same may be incurred or where the offender may reside, or before two or more Justices of the Peace of such county, at the instance either of the procurator fiscal of Court, or any person who may prosecute for the same; and the whole penalties, after deducting all charges and such remuneration to the persons prosecuting as the said Judges shall think fit, shall be paid to the poor of the place where such penalties shall be awarded; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary way, and to grant warrant for bringing the parties complained of before them, and upon proof on oath by one or more credible witnesses, or on the confession of the offender, or on other legal evidence, forthwith to give judgment on such complaint, without any written pleadings or record of evidence, and to grant warrant for the recovery of such penalties and expenses decreed for, failing payment within fourteen days after conviction, by poinding, or by imprisonment for a period, at the discretion of the Court, not exceeding sixty days, it being hereby provided that a record should be preserved of the charge and of the judgment pronounced.

XXVIII. That in Scotland if any person or persons shall feel themselves aggrieved by the sentence of any sheriff, or Magistrates of burghs or towns corporate, or Justices of the Peace, pronounced in any case arising under this Act, it shall be lawful for such person or persons to appeal to the Commissioners of Justiciary at the next Circuit Court, or, where there is no Circuit Court, to the High Court of Justiciary at Edinburgh, in the manner and under the rules, limitations, and conditions contained in the 20 Geo. 2. c. 43, intitled, 'An Act for taking away and abolishing Heritable Jurisdictions in Scotland,' with this variation only, that such person or persons so appealing shall, in place of finding caution in the terms prescribed by the said Act, be bound to find caution to pay the penalty or penalties and expenses awarded against him or them by the sentence or sentences appealed from, in the event of the appeal or appeals being dismissed, together with any additional expenses which shall be awarded by the Court in dismissing the said appeal; and it shall not be competent to appeal from or to bring the judgment of any sheriff or Justices of the Peace acting under this Act under review by advocacy, suspension, or reduction, or in any other way than as herein provided.

XXIX. That every action or suit which shall be brought or commenced against any Magistrate or Magistrates, Justice or Justices, or any peace officer or officers, for any matter or thing done or committed by virtue of or under this Act, shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid or brought in the city, county, or place where the matter in dispute shall arise, and not elsewhere, and that the 24 Geo. 2. c. 44, intitled, 'An Act for rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants,' so far as the said Act relates to the rendering the Justices more safe in the execution of their office, shall extend and be construed to extend to the Magistrate and Magistrates, Justice and Justices of the Peace acting under the authority or in pursuance of this Act; and that no action or suit shall be had or commenced against, nor shall any writ be sued out or copy of any writ be served upon, any peace officer or officers for anything done in the execution of this Act until seven days after a notice in writing shall have been given to or left for him or them at his or their usual place of abode, by the attorney for the party intending to commence such action, which notice in writing shall contain the name and place of abode of the person intending to bring such action, and also of his attorney, and likewise the cause of action or complaint; and any peace officer or officers shall be at liberty, and may by virtue of this Act, at any time within seven days after any such notice shall have been given to or left for him, tender or cause to be tendered any sum or sums of money as amends for the injury complained of to the party complaining or to the attorney named in such notice; and if the same be not accepted, the defendant or defendants in any such action or actions may plead such tender in bar of such action or actions, together with the general issue or any other plea, with leave of the Court in which the action shall be commenced; and if, upon issue joined on such tender, the jury shall find the amends tendered to have been sufficient, they shall find a verdict for the defendant or defendants; and in every such case, or if the plaintiff shall become nonsuit or discontinue his action, or if judgment shall be given for the defendant or defendants upon demurrer, or if any action or suit shall be brought after the time limited by this Act for bringing the same, or shall be brought in any other county or place than as aforesaid, then and in every such case the jury shall find a verdict for the defendant or defendants, and the defendant or defendants shall be entitled to his or their costs; but if the jury shall find that no such tender was made, or that the amends tendered were not sufficient, or shall find against the defendant or defendants on any plea or pleas by him or them pleaded, they shall then give a verdict for the plaintiff, and such damages as they shall think proper; and the plaintiff shall thereupon recover his costs against every such defendant or defendants.

XXX. That if any action or suit shall be commenced against any other person or persons than a Magistrate, Justice, or peace officer, for anything done in pursuance of this Act, the defendant or defendants in any such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was

done in pursuance and by the authority of this Act; and if it shall appear so to have been done, or if a verdict shall be recorded for the defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited or discontinued his, her, or their action after the defendant or defendants shall have appeared, or if judgment shall be given upon a verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants in every such action shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases by law for the recovery of his, her, or their costs.

XXXI. Provided, That no person shall be convicted of any offence under this Act unless the complaint is made within 48 hours after the offence shall have been committed, or within such reasonable time as to the Justice or Justices shall seem fit, except in cases of perjury; and that no person who shall be prosecuted to conviction for any offence done or committed against this Act shall be liable to be prosecuted for the same offence under any other law.

XXXII. That all penalties and forfeitures by this Act inflicted, and the application of which is not hereinbefore directed, shall, when recovered or paid, go and be disposed of in manner following; (that is to say,) one moiety thereof, where any offender or offenders shall be convicted either by his, her, or their confession or by the oath or affirmation of one or more credible witness or witnesses, shall go and be paid to the person or persons who shall inform against and prosecute to conviction any such offender or offenders; and the other moiety thereof (or in case there be no such person informing then the whole thereof) shall go and be paid to some one of the overseers of the poor, or to some other officer, (as the convicting Justice or Justices may direct,) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and no inhabitant of such county, riding, or division shall be deemed an incompetent witness in any proceeding under this Act by reason of the application of such penalty or forfeiture to the use of the said general rate as aforesaid.

XXXIII. Provided, That this Act or anything herein contained shall not extend or be construed to extend in any way to affect, lessen, or infringe upon any right or custom of the Universities of Oxford or Cambridge or either of them, or of any lord or lords of any leets, or the rights of any clerk or clerks of the market in any place which may be exercised and enjoyed by them or any of them by virtue of any charter, bye laws, prescriptions, usages, customs, privileges, grants, or Acts of Parliament, except so far as relates to the assize of bread and the regulations of the price and weight thereof; but that all such rights and privileges shall be held, exercised, and enjoyed, by the parties respectively entitled thereto, as fully and amply to all intents and purposes as the same were held, exercised, and enjoyed, before the passing of this Act, anything herein contained to the contrary notwithstanding.

XXXIV. That this Act shall commence and take effect from and after the said 1st of October 1836.

XXXV. That nothing in this Act contained shall extend to Ireland.

XXXVI. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XXXVIII.—IRELAND.

AN ACT to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider by Retail, in Ireland.*

(28th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Proper officers of Excise, before granting licences to persons licensed in the year preceding, shall require a certificate of good character from the chief constable of the constabulary force in the district, or two overseers, in addition to the certificate required by the recited Act.
2. Process servers not to be licensed to retail spirits.
3. Certain persons not to retail spirits to be consumed on the premises.
4. Retailers houses shall not be open for the sale of spirits between nine at night of Sunday, and nine in the morning of Monday. Exception as to travellers.
5. Booths and tents at fairs, &c. not to be open for the sale of spirits, wine, or beer at any hour between six in the evening and nine in the morning in summer, and three in the afternoon and nine in the morning in winter.
6. Justices and constables may enter into any house, &c. in which spirits or beer is sold, and put out persons tippling or gambling at prohibited hours.—Persons not quitting, or resisting Justices, &c. may be apprehended.
7. If a soldier offends, Justice to communicate the same to his commanding officer.
8. Retailers shall not permit illegal assemblies in their houses, or hang out flags or emblems therefrom.
9. Justices and constables may enter any house in which spirits or beer is sold, and put out persons found or assembled, and remove banners, &c. Persons not quitting or resisting Justices, &c. may be apprehended.
10. Penalty on persons selling beer and opposing the entering of Justices.
11. Penalty on refusing to admit Justices.
12. Penalty if persons are found tippling or gaming at prohibited hours, and on persons found drunk.
13. Number of overseers under 3 & 4 Will. 4. c. 68. increased.—Overseers to be constables.—Penalty on their not acting.

14. *Two Justices at petty sessions may appoint overseers if the parishioners do not.*
15. *Informations to be exhibited within twelve months.*
16. *Licences may be annulled when licensed persons shall have offended three times.*
17. *Justices to grant warrant for the seizure of spirits sold in places not being licensed.*
18. *Penalty on persons allowing beer to be consumed on unlicensed premises.*
19. *Penalty on unlicensed persons selling beer.*
20. *Production of licence not necessary on proceedings.*
21. *Persons competent as witnesses though entitled to part of penalty.*
22. *Service of summons.*
23. *Recited Act 3 & 4 Will. 4. c. 68. to be in force save as altered by this Act.*
24. *General form of conviction.*
25. *Act may be altered this session.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 68, and that it is expedient to amend the said Act in certain particulars, and to make other regulations in respect of the sale of wine, spirits, beer, and cider by retail in Ireland :—

It is Enacted,

I. That from and after the 5th of July, 1836, it shall and may be lawful to and for the proper officers of Excise, and they are hereby directed, to require from all and every person and persons applying for such licence, as in the said Act mentioned, to sell beer, cider, and spirits by retail, to be consumed in any house specified in said licence, being the same house as shall have been licensed in the year last immediately preceding, and whose licence shall not have been withdrawn or annulled, in addition to the certificate of six householders of the parish in the said recited Act mentioned, a certificate to the same purport and effect from the chief constable of the constabulary force acting in and for the district in which such house may be situate, or in lieu thereof a certificate from two of the overseers appointed or to be appointed, as provided in and by the said recited Act or by this Act, for the parish in which such house is situate; and in such certificate the said two overseers shall state the time of their appointment, and that they acted as such overseers at least for one month in the year immediately preceding the date of such certificate; and such certificate shall be signed by the said overseers without fee or reward.

II. That no person appointed to serve civil bill processes shall be capable, while he holds such office, of receiving or holding a licence to sell beer, cider, wine, or spirits by retail.

III. That from and after the passing of this Act no person in Ireland who shall be duly licensed under any Act or Acts for granting Excise licenses to deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper, nor any person deemed a grocer within the meaning of the laws of the Excise in force in Ireland at or immediately before the passing of this Act, shall be entitled to take out any licence to retail spirits in the house or on the premises of such retailer, or in any house or on any premises within one quarter of a mile of the house or premises of such retailer, other than a licence to retail spirits in quantities not less at one time than one pint, and to be consumed elsewhere than in the house, or on the premises of such retailer; and any licence to retail spirits in any other manner granted after the passing of this Act to any such grocer or person so licensed as aforesaid shall be wholly null and void to all intents and purposes whatsoever.

IV. That from and after the passing of this Act no person selling or licensed to sell beer or cider, spirits or wine by retail, to be drunk or consumed on the premises, shall have or keep his house or other place of sale (not being a booth or tent at any lawful or accustomed fair, or at any public races) open for the sale of spirits, wine, or beer, nor shall sell or retail spirits, wine, or beer, nor shall suffer any spirits, wine, or beer to be drunk or consumed in or at such house or other place, at any time between the hours of nine of the clock in the night of Sunday and nine of the clock in the morning of Monday; and if any such person shall keep his house or other place of sale open for selling or shall sell spirits, wine, or beer, or suffer spirits, wine, or beer to be sold, drunk, or consumed in or at such house or other place, at any time between the hour of nine of the clock at night on Sunday and the hour of nine of the clock in the morning of Monday, such person shall forfeit the sum of £1. for any such offence; and every separate sale shall be deemed a separate offence, and all sales on any one day shall be deemed and considered and may be prosecuted as separate offences: Provided always, that nothing herein contained shall extend to prohibit the sale of spirits, wine, or beer to a traveller.

V. That no person selling or licensed to sell beer or cider and spirits or wine by retail, to be drunk or consumed on the premises, or otherwise, shall have or keep any booth or tent or other place, not being a house duly licensed for the sale of spirits at any lawful or accustomed fair or at any public races, open for the sale of spirits, wine, or beer, nor shall sell or retail spirits, wine, or beer, nor shall suffer any spirits, wine, or beer to be sold, drunk, or consumed in or at such booth or tent or other place, between the hours of six of the clock in the evening and nine of the clock in the morning at any time between the first day of April and the first day of the following month of October, or between the hours of three of the clock in the afternoon and nine of the clock in the morning at any time between the first day of October and the first day of the following month of April, nor at any time whatsoever on any Sunday, Good Friday, Christmas Day, or any day appointed for a public fast or thanksgiving; and if any such person shall keep such booth or tent or other place open for selling or shall sell spirits, wine, or beer, or shall suffer any spirits, wine, or beer to be drunk or consumed in or at such booth or tent or other place, at any hour or time at which the same are hereby respectively prohibited, such person shall forfeit the sum of £1. for any such offence; and every separate sale shall be deemed a separate offence; and all sales on any one day shall be deemed and considered and may be prosecuted as separate offences; and this prohibition shall be deemed and taken to extend to the sale of spirits, wine, or beer to a traveller as well as to any other person.

VI. That it shall and may be lawful for any Justice of the Peace, or for any chief constable, or for any churchwarden or overseer in the said recited Act or hereinafter mentioned, or for any constable authorized for the purpose by any such Justice,

within the limits of his jurisdiction, to enter into any house, booth, tent, or other place kept by any person selling or having a licence to sell spirits, wine, or beer by retail, at any time or hour during which the sale of spirits, wine, or beer is by this Act prohibited therein, and to remove from and put out of such house, booth, tent, or other place any person who shall be found within such prohibited hours in such house, booth, tent, or other place (not being a lodger or inmate thereof), and who shall appear to be or to have recently been drinking, tipping, or gaming therein; and that if any such person shall not, when thereto required by such Justice of the Peace, chief or other constable, churchwarden or overseer as aforesaid, remove from and quit such house, booth, tent, or other place, or shall forcibly resist such Justice, constable, churchwarden, or overseer, or shall be found drunk therein, it shall and may be lawful for any constable, churchwarden, or overseer, to apprehend and take into custody any such person so offending, and to carry and convey or cause to be carried and conveyed every and any such person so apprehended before any Justice of the Peace within whose jurisdiction such house, booth, tent, or other place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, booth, tent, or other place, or shall so forcibly resist such Justice, constable, churchwarden or overseer, or be so found drunk in such house, booth, tent, or other place, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding 20s. nor less than 5s.; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the common gaol or any house of correction or bridewell of the county or place for any time not exceeding one week.

VII. That if any offender convicted in manner aforesaid shall be a soldier on full pay, and attached to any regiment in His Majesty's service stationed or being within the jurisdiction of such Justice, a communication of such conviction shall be forthwith made by said Justice to the commanding officer of such regiment, and the offender so convicted shall be detained until delivered over to the commanding officer or his order, to be amenable to military discipline.

VIII. That no person licensed to sell spirits by retail to be consumed on the premises or otherwise shall knowingly permit any body, union, society, or assembly of persons declared to be illegal or prohibited by any law in force at the time of the passing of this Act, or any body, union, society, or assembly of persons who shall require from persons about to be admitted or being admitted thereto, or into the said body, union, society, or assembly, any oath, test, solemn declaration or affirmation not expressly allowed and required by law, or who shall observe on the admission of members or on any other proceeding any religious or other solemn mystery, rite, or ceremony, or seeming or pretended religious or other solemn mystery, rite, or ceremony, not sanctioned by law, or who shall wear, bear, or display on occasions of their meeting or assembling together any arms, flags, colours, symbols, decorations, or emblems whatsoever, to meet or assemble or hold a meeting or assembly on any occasion or pretence whatsoever in the house or other place of sale of such person so licensed, nor shall on any occasion or pretence whatsoever hang out or display, or suffer to be hung out or displayed, on, from, or out of such house or other place of sale any sign, flag, symbol, colour, decoration, or emblem whatsoever, except the known and usual and accustomed sign of such house or other place of sale usually fixed thereto in the way of business; and if any such person shall knowingly permit any such body, union, society, or assembly to meet or assemble or hold any meeting or assembly on any occasion or pretence whatsoever in the house or place of such person, or shall hang out or display, or suffer to be hung out or displayed, on, from, or out of such house or place of sale any such sign, flag, symbol, colour, decoration, or emblem whatsoever, except as aforesaid, any such person so offending shall forfeit and pay for every such offence the sum of 2l., and the licence of such person convicted of such offence shall not be renewed by the proper officer of Excise without the certificate of the Justices at quarter sessions assembled, and of the assistant barrister attending said quarter sessions, that they consider such person to be, notwithstanding such conviction, a fit person to be licensed, on condition of his not again committing a like offence; and if any such person so convicted and obtaining a renewal of his licence on said certificate shall be again convicted of a like offence, such licence shall immediately on such second conviction become null and void to all intents and purposes whatsoever, and such person shall not be capable at any time thereafter of obtaining such licence: Provided however, that nothing herein contained shall extend to any meeting of persons consisting exclusively of Freemasons or members of the society called the Friendly Brothers.

IX. That it shall and may be lawful for any Justice of the Peace, or for any chief constable, or for any constable authorized for the purpose by any such Justice or chief constable, within the limits of his jurisdiction, to enter into any house or place kept by any person selling or having a licence to sell spirits, wine, or beer by retail to be consumed on the premises or otherwise, in which such Justice or chief constable shall, from information on oath or otherwise, have reason to believe or suspect that any such body, union, society, or assembly is met or held, or on or from which any such sign, flag, symbol, colour, decoration, or emblem shall be hung out or displayed, and to remove from and put out of such house or place any person who shall be found, met, or assembled therein with or as members of or belonging to any such body, union, society, or assembly, and to remove and take away and destroy, if he shall think proper, any arms, banners, flags, colours, symbols, emblems, or decorations found on or with such persons, or hanging out or displayed on or from such house or other place, and to require every such person so found to state truly to him his name and place of abode, and to require the immediate inspection of and take possession of any book of proceedings or other book used at such meeting or brought thereto, and to detain such book for such time as he may think proper, not exceeding fourteen days; and that if any such person shall not, when thereto required by such Justice of the Peace, chief or other constable as aforesaid, remove from and quit such house, or if any person whatsoever shall forcibly resist such Justice or constable, it shall and may be lawful for any constable to apprehend and take into custody any person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such person so apprehended before any Justice of the Peace within whose jurisdiction such house or place shall be situate, to be dealt with according to law; and every such person who shall so neglect or refuse to remove from or quit such house, or shall so forcibly resist such Justice, constable, churchwarden, or overseer, or who shall refuse to state his name and place of abode, or shall not truly state the same, being duly convicted of such offence, shall thereupon for every such offence forfeit any sum not exceeding 20s. nor less than 5s.; and if any offender so convicted shall not forthwith pay the sum so forfeited, such offender shall be committed to the gaol, bridewell, or house of correction for any time not exceeding one week.

X. That if any person selling or licensed to sell spirits, wine, or beer by retail, or any person aiding or assisting such retailer, shall prevent or endeavour to prevent by threats or violence, or otherwise, any such Justice or chief or other constable, churchwarden, or overseer in that behalf authorized under this Act or the said Act, 3 & 4 Will. 4. from entering any house or place

or from making any search therein authorized by this Act, or shall assault or otherwise resist any such Justice or chief or other constable, churchwarden, or overseer as aforesaid, every such person so offending shall forfeit and lose a sum not exceeding the sum of 10*l*.: Provided always, that nothing herein contained shall exempt any such person so offending or any other person resisting said Justice, chief or other constable, churchwarden, or overseer, on any occasion in the exercise of any power given by this Act, from any other punishment or penalty, by information, indictment, or otherwise, to which he or she may be liable by law for any such offence, or be construed in any way to affect or repeal any law or laws providing any punishment for such offence.

XI. That if any person selling or licensed to sell spirits, wine, or beer by retail shall, on demand made of entrance, delay to admit any Justice or chief or other constable, churchwarden, or overseer as aforesaid, into any house or place of such person, for the purpose of making such search as aforesaid, or for any other purpose for which by this Act or any other law in force in Ireland such Justice, chief or other constable, churchwarden, or overseer is or may be entitled to admittance into such house or place, such person so offending shall forfeit and lose a sum not exceeding the sum of 2*l*., unless proof shall be made, to the satisfaction of two Justices, who may hear the complaint, that there was reasonable cause for giving such delay.

XII. That every person selling or licensed to sell spirits, wine, or beer by retail, in whose house or place any person shall be found to be or to have been recently drinking, tipping, or gaming at any hour or time at which the sale of spirits or beer is prohibited by this Act, shall, upon conviction thereof, forfeit and pay the sum of 10*l*.; and any person found drunk at any hour of the day or night in any street, square, lane, road, way, or other public thoroughfare or place, shall, upon conviction thereof, forfeit and pay any sum not exceeding 5*s*., and in default of payment thereof shall and may be committed to the common goal of the county or place, or to any neighbouring house of correction or bridewell, for any time not less than twelve nor more than forty-eight hours; and every person so found drunk in any street, square, lane, road, way, or other public thoroughfare or place, shall and lawfully may be apprehended by any Justice, constable, peace officer, churchwarden, or overseer as aforesaid, and forthwith carried and conveyed before any Justice of the Peace within whose jurisdiction he shall be so found, to be dealt with according to law.

XIII. That instead of appointing such number of persons, not exceeding five, to be overseers of persons and houses, as in the said recited Act, 3 & 4 Will. 4. is provided, it shall and may be lawful for any parishioners of the several parishes in Ireland in vestry assembled, and they are hereby required, once in every year, or oftener if necessary, to appoint such number of persons, not exceeding twenty nor less than ten, as to them shall seem meet, to be overseers of persons and houses in which spirits or beer shall be sold by retail within every such parish respectively; and every overseer so appointed shall have as full and ample power and authority for carrying the provisions of this Act and the said recited Act into execution as any constable or other peace officer hath or may have by virtue of this or the said recited Act, or as any overseer appointed under the said recited Act; and every such overseer shall, for the purposes of this Act and of the said recited Act, he and be deemed and taken to be a constable or peace officer; and the said overseers, when so appointed, shall forthwith meet and make such proper arrangements together as to them shall seem necessary for the performance of their duties under this Act and the said recited Act, and for the due inspection and visiting the several houses within their jurisdiction as such overseers; and the said arrangements shall be so made that at least two of the said overseers shall be appointed to and perform the said duty for each month; and every person who shall be appointed such overseer who shall neglect or refuse (not being prevented by sickness or other unavoidable accident) to act as such overseer shall forfeit and pay the sum of 1*l*.

XIV. That if the parishioners of any parish in Ireland shall not appoint such overseers on or before the 1st of August in any year, or within one week after the termination of the office of any overseer already appointed or to be appointed under this Act or the said recited Act, it shall and may be lawful to and for any two Justices of the county, county of a city, county of a town, or town and liberties in which such parish shall be situated, assembled at any petty sessions or divisional or other office of police for the district in which such parish shall be situate, to appoint such number of overseers as aforesaid to act as such overseers for one year; and the persons so appointed shall have all the powers of any overseer or overseers appointed under this or the said recited Act, and shall perform the like duties and be liable to the like penalty for non-performance thereof as is hereinbefore provided in respect of the overseers to be appointed by the parishioners as aforesaid.

XV. That every information for any penalty incurred under this or the said recited Act shall and may be exhibited within two calendar months next after the offence alleged in said information shall have been committed, anything in the said recited Act to the contrary thereof notwithstanding.

XVI. That so much of the said recited Act as provides, that if any person licensed to sell beer, cider, or spirits by retail shall during the continuance of such licence be duly convicted of any three several offences under the provisions of said Act, or any of them, which three offences shall have been committed within the space of two months, it should and might be lawful for two Justices of the Peace within whose jurisdiction such person should have been licensed to annul the licence of such person, shall be and the same is hereby repealed; and that from and after the passing of this Act if any person licensed to sell beer, cider, or spirits by retail shall during the continuance of such licence be duly convicted of three several offences under the provisions of said recited Act or of this Act, or of both, which three offences shall have been committed within the space of six months, it shall be lawful for two Justices of the Peace within whose jurisdiction such person shall be licensed, assembled at any Quarter Sessions or adjournment thereof, by order made in open court, after notice served six days before on the person so licensed of the intention to apply for such order, to annul the licence held by such person; and if any person whose licence shall be so annulled shall at any time after the making of such order sell any beer, cider, or spirits without having obtained a new licence, he shall be subject to all the penalties to which any person is or may be subject for selling beer, cider, or spirits without having obtained a licence for that purpose.

XVII. That it shall and may be lawful for any two or more Justices of the Peace in petit sessions assembled, upon being satisfied by the personal examination on oath of a credible witness that there is reasonable ground for suspecting that spirits are sold in any house within the county not licensed for the sale thereof, to grant a warrant under their hands and seals authorising any Justice of the Peace for said county, with his assistants, to enter such house at all times of the day between sunrise

and sunset to search for spirits, and if any such shall be found without a permit or other legal authority justifying the keeping thereof to seize and deliver the same to the next Excise officer of the district; and such warrant shall continue in force for seven days from the day of the date thereof, and shall be a sufficient authority to the Justice of the Peace therein named and his assistants, in his presence, to enter into such house and seize all spirits there illegally being, and to carry away and deliver same to the next revenue officer to be dealt with according to law.

XVIII. That if any person not licensed to sell beer, cider, or spirits to be consumed on the premises shall after the passing of this Act permit or suffer any beer, cider, or spirits to be consumed on any premises occupied by him or in which his trade or business is carried on, he shall for every such offence forfeit a sum not exceeding £1.; and such sum shall and may be recovered in like manner in all respects as any other penalty under said recited Act or this Act.

XIX. That if any person not being duly licensed to sell beer, cider, or spirits shall at any time after the passing of this Act sell any beer, cider, or spirits, he shall for every such offence, in addition to any other penalty to which he is liable, forfeit a sum not exceeding £1., and such sum shall and may be recovered as any other penalty under the said recited Act or this Act, and in every proceeding to recover such penalty it shall be sufficient to prove the sale of such beer, cider, or spirits, and the person charged shall be thereupon convicted unless he shall prove that at the time of such sale he was duly licensed to sell the beer, cider, or spirits so sold.

XX. That in any proceeding to recover a penalty against any person charged as being licensed to sell beer, cider, or spirits, it shall not be necessary to call for or require the production of the licence, and the notice by said Act directed to be served on the clerk of the peace, or evidence of his having been at the time at which the offence charged against him was committed acting as the owner of a licensed house, shall be sufficient evidence of the fact of his being licensed, unless he shall prove that he was not duly licensed, and if he shall on the hearing of any such complaint prove that he was not duly licensed at the time at which the sale complained of was made, it shall be lawful for the Justices before whom such proof may be made to convict him of having made such sale without being duly licensed.

XXI. That in every proceeding under this or the said recited Act the person who may inform or who shall sue for the penalty shall be a competent witness to prove any fact, notwithstanding any provision by which he may become entitled to receive any portion of the penalty sought to be recovered.

XXII. That in every case in which any proceeding shall be taken to recover any penalty under the said recited Act or under this Act, or under both, or for any other purpose, the delivery or service of a copy of any notice or summons to the person charged with the offence at any place, or to his wife, servant, clerk, manager, or child, such child being of the age of sixteen years or upwards, at or upon the premises used or occupied by any such person for carrying on his or her trade or business, or on the premises on which any such offence shall have been or shall be charged to have been committed, shall be deemed and taken to be a sufficient service and delivery of such summons or notice to the person or persons to whom the same may be directed.

XXIII. That, except so far as is herein otherwise provided, all penalties and forfeitures imposed by this Act shall be sued for, levied, recovered, mitigated, and distributed by such ways, means, and methods, and in such manner, as by the said recited Act, 3 & 4 Will. 4. c. 68, is directed, provided, and enacted; and that in every respect, save where it is expressly repealed or altered by this Act, the said recited Act, and every clause, matter, and thing therein contained, shall be and remain in full force, and shall apply to the several penalties and forfeitures imposed by this Act, and to the several offences hereby created, as if the same were herein re-enacted.

XXIV. That every conviction to be had under this Act or the said recited Act shall and lawfully may be drawn up in the form following, or in any other form of words to the same effect; (that is to say,)

‘ to wit. } BE it remembered, That on the Day of in the Year of our Lord
 ‘ County, [or City or Town, as the Case may be,] on the Oaths of C. D., &c. [as the Case may be,] in the Sum of
 ‘ for that [here specify the Offence, and when and where committed]. Given under our Hands and Seals the Day
 ‘ and Year above written.

XXV. That this Act or any of the provisions thereof may be altered, varied, or repealed by any Act to be passed in this session of Parliament.

CAP. XXXIX.—IRELAND.

AN ACT to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*.
 (28th July 1836.)

By this Act,

1. 47 Geo. 3. sess. 2. c. 54, 50 Geo. 3. c. 109, 10 Geo. 4. c. 47, 1 & 2 Will. 4. c. 47, are continued for one year from the passing of the Act, and thenceforth to the end of the next session of Parliament.

Section II. enacts, That 1 Will. 4. c. 44. shall be continued for one year, and thenceforth until the end of the then next session of Parliament.

CAP. XL.—IRELAND.

AN ACT to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in *Ireland*.

(28th July 1836.)

By this Act,

All expiring Acts respecting the repair of turnpike roads in Ireland are further continued for one year from the passing of this Act, and thenceforth until the end of the then next session of Parliament.

CAP. XLI.

AN ACT to abolish the Commissary Court of *Edinburgh*, and to regulate the Mode of taking Proofs in Consistorial Causes in *Scotland*.

(28th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Commissary Court abolished, and duties of Commissioners transferred to sheriff of Edinburgh.*
2. *Sheriffs may take proofs.*
3. *Agents authorized to practise in Sheriff Court of Edinburgh.*
4. *Commencement of Act.*
5. *Act may be altered this session.*

By this Act,

After reciting the passing of 1 Will. 4. c. 69, whereby various alterations and reductions were made in the Consistorial Court of Scotland, with a view to the abolition of the said Court, and the transference of the remaining jurisdiction thereof to the sheriff of the county of Edinburgh: and that it is expedient that the remaining jurisdiction of the Commissary Court of Edinburgh should be abolished, and the mode of taking proofs in consistorial causes should be regulated:—

It is Enacted,

I. That the said Commissary Court of Edinburgh shall be and the same is hereby abolished, and the whole remaining powers and jurisdiction of the said Court shall be and the same are hereby transferred to the sheriff of the county of Edinburgh, who shall possess and exercise such powers and jurisdiction in all respects, except in so far as regards taking proofs in consistorial causes; and the whole clauses, powers, and provisions of 4 Geo. 4. c. 97, intituled, 'An Act for the Regulation of the Court of the Commissaries of Edinburgh, and for altering and regulating the Jurisdiction of the inferior commissaries in Scotland,' shall apply to the sheriffdom of the county of Edinburgh, and to the clerks and officers of the said Commissary Court, in the same way as such provisions apply to the other sheriffdoms of Scotland: Provided always, that the salaries of the existing Commissaries of the said Commissary Court shall be saved and reserved to each of them during their several lives; provided further, that such salary or salaries shall be accounted *pro tanto* of any subsequent salary to which any of the said Commissaries may hereafter acquire right by virtue of his or their appointment to any other public office.

II. That where it shall be necessary to take proofs in consistorial causes, such proof shall be taken by the sheriffs to be appointed for that purpose in the manner directed by the said recited Act.

III. That it shall be lawful for all agents duly qualified to practise as such before the Court of Session to practise as agents in the Sheriff Court of Edinburgh, in so far as relates to any of the proceedings which are transferred by this Act to the sheriff, in the same manner and to the same extent as they might have practised in respect of such matters in the Commissary Court before the passing of this Act.

IV. That this Act shall commence and take effect from and after the 1st November 1836.

V. That this Act may be amended or altered by any Act to be passed during the present session of Parliament.

CAP. XLII.

AN ACT to grant certain Powers to Heirs of Entail in *Scotland*, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same.

(28th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Heirs of entail in possession empowered to grant tacks of any part of entailed estates under the restrictions herein contained.*
2. *This Act not to restrain any more extensive powers contained in any entail.*
3. *Heirs in possession may make excambions of entailed estates in the mode herein named.*
4. *Provision as to excambion of mansion houses, &c.*
5. *Tenure of excambied lands.—Excess of value on any excambion to the amount of 200l. to be paid to the proprietors.—In case of any larger excess excambion void.*
6. *As to excambion of entailed estates under more than one entail.*
7. *Part of entailed estates may be sold for payment of entailers's debts affecting the estate.*
8. *Court of Session to inquire into the particulars, and direct what portion of estate shall be sold ;—*
9. *And cause notice of sale to be given, and adjust the conditions thereof.*
10. *Court of Session to adjudge the lands sold to the purchaser, and direct the disposition of the purchase money.*
11. *Purchasers upon payment of the money, to have a good right to the lands, &c. freed from the entail.*
12. *Lands not sold to continue subject to the entail.*
13. *Court of Session to direct purchase-money to be applied to payment of debts, &c.*
14. *By whom the costs of parties interested and appearing shall be paid.*
15. *Any surplus exceeding 200l. to be laid out in purchase of other land, to be limited to same uses, &c. as lands sold ;—*
16. *And the deed of entail thereof to be framed at the sight of the Court of Session ;—*
17. *And recorded in register of tailzies, &c.*
18. *Application of surplus monies till invested in land.*
19. *If under 200l. to be paid to heir in possession.*
20. *Definition of terms used in the Act.*
21. *How notices to be given of applications under this Act to Court of Session, &c.*

By this Act,

After reciting that by an Act of the Parliament of Scotland made in the year 1685, intituled, 'Act concerning Tailzies,' it is statuted and declared that it shall be lawful to His Majesty's subjects to tailzie or entail their lands and estates, and to substitute heirs in their tailzies or entails, with such provisions and conditions as they shall think fit, and to affect the said entails with irritant and resolute clauses, whereby it shall not be lawful to the heirs of entail to sell, analzie, or dispose of the said lands or any part thereof, to contract debt, or do any other deed whereby the same might be apprized, adjudged, or evicted from the other substitutes in the entail, or the succession frustrate or interrupted, declaring all such deeds to be in themselves null and void ; and provision is made by the said Act for the recording such entails in the manner therein set forth : And that it is expedient that certain powers should be conferred upon heirs of entail in relation to granting tacks and making excambions, and to selling portions of entailed estates for payment of the entailers's debts :—

It is Enacted,

I. That, notwithstanding any prohibitory, irritant, and resolute clauses contained in any entails already made and established, or which may hereafter be made and established, pursuant to the directions of the said Act, passed in the Parliament of Scotland in the year 1685, it shall be lawful for the respective heirs of entail in possession to grant tacks of any parts of the lands, estates, or heritages therein contained, for the fair rent of such lands or heritages at the period of letting, either by public auction or private bargain, and notwithstanding any prohibition against diminution of the rental, for any period not exceeding 21 years, and to grant tacks of any mines and minerals contained in such lands and estates for any period not exceeding 31 years : Provided always, that nothing herein contained shall authorize any heir of entail in possession of any entailed lands, estates, or heritages to take any grassum or valuable consideration, other than the tack duty or rent, for granting any tack, or to grant any tack of the home farm, nor of the mansion house and offices, or of the garden, lawn, park, or policy attached thereto, for any period beyond his own life ; and in case any such grassum or consideration shall be taken, or in case any tack hereby prohibited shall be granted, such tack shall be null and void.

II. Provided, That nothing herein contained shall prevent or be construed to prevent any heir of entail in possession from exercising any power of granting tacks which may be contained in the entail under which he possesses more extensive than the power of granting tacks hereby conferred.

III. That, notwithstanding any prohibitory, irritant, and resolute clauses contained in any entail already made and established, or which may hereafter be made and established, pursuant to the directions of the said Act passed in the Parliament of Scotland in the year 1685, it shall be lawful for the respective heirs of entail in possession of any entailed lands, estates, or heritages, having made up a feudal title thereto, to make excambion, without the consent of any other heir, of any portion of the entailed lands, estates, or heritages, for an equivalent in lands, estates, or heritages lying contiguous to the same or to some other part of the said entailed estate, or being convenient to be holden with the same, and whether the same shall belong to himself in fee simple or to any other person, and that although the heritages to be given and taken in exchange may consist of different descriptions of heritable property : Provided always, that notice of the intention to make such excambion shall,

three months previous to the application to the Court of Session to that effect, as hereinafter required, be given to the five heirs of entail, or to the whole heirs of entail if their number be less than five, of the said entailed lands, estates, or heritages next in the order of succession to the heir so applying; and if any of the said five heirs of entail shall be under age, or under any mental or other legal disability, then to the legal guardians, curators, or administrators of such heirs; and if three or more of the said five heirs shall be under age, or under any mental or other legal disability, then to their respective guardians, curators, or administrators, and also to the two heirs next in the order of succession after such five heirs, who shall be of lawful age and not under any mental or other legal disability; and if any of the said heirs to whom notice is thus directed to be given shall be forth of the United Kingdom, then to the known agent or factor of such absent heir or heirs; and for ascertaining and adjusting the value of the lands, estates, or heritages proposed to be exchanged an application shall be made for that purpose by the heir of entail in possession, and feudally vested in such lands, estates, or heritages, after such notice as is herein directed to be given, by summary petition, setting forth the objects of the said excambion, and the advantages expected to be derived therefrom, to one or other of the divisions of the Court of Session, praying for such excambion; and the said Court shall, after proof made to them of notice to the heirs of entail as aforesaid, take into consideration the expediency of such excambion, and the other circumstances of or affecting the lands, estates, or heritages proposed to be excambied, and the interests of the succeeding heirs of entail therein, and after such notice as is hereinafter directed to be given, and hearing any party having a title and interest to be heard, if any such shall appear, shall appoint two or more skilful persons to inspect and adjust the value and settle the marches of the said lands, estates, or heritages proposed to be excambied; and upon receiving the report upon oath of such persons, and being satisfied of the respective values of such lands, estates, or heritages, and of the expediency of such excambion, the said Court shall thereupon give judgment authorizing the said excambion; and thereupon the contract of excambion shall be executed at the sight and with the approbation of the said Court, and recorded in the sheriff court books of each of the shires or stewartry in which the lands or heritages to be excambied are situated, and also within three months in the register of tailzies: Provided also, that after hearing any party having a title or interest, and appearing as aforesaid, it shall be competent to the said Court to decern the expenses to be incurred by such party in such appearance, to be borne either by such party or by the heir of entail applying for the excambion, as to the said Court shall seem just.

IV. Provided, That it shall not be lawful to excamb the principal mansion house or offices, or the garden, park, lawn, home farm, or policy of any entailed estate, nor more than one-fourth in value of such entailed lands, estate, or heritages in all; and declaring that after excambions have been made under the authority of this Act to the extent in all of one-fourth part in value of the whole entailed lands, estates, or heritages, it shall not be in the power of any heir of entail to make any further excambions of any part of the said lands, estate, or heritages.

V. That all contracts of excambion executed and recorded in terms of this Act shall be effectual to all intents and purposes; and the lands and heritages given or received in excambion shall be held to be a part of the entailed estate or of the entailed estates respectively, and shall be subject to all the prohibitory, irritant, and resolute clauses of the entail or entails, in the same manner as if it or they had been originally a part of such estate or estates respectively; and the lands and heritages given from the entailed estate or estates shall from thenceforth be held as out of the entail or entails under which it was previously held, and be liberated from all the prohibitory, irritant, and resolute clauses thereof: Provided always, that no debt contracted by any heir of entail during the period between the execution of any such contract of excambion and the recording of such contract in the register of tailzies as aforesaid shall affect or be capable of affecting the lands contained in such contract, and thereby added to the entailed estate: And provided further, that if in any such excambion as aforesaid there shall be any excess of value on either side, not exceeding 200*l.*, such excess shall go and be paid to the proprietor, whether heir of entail in possession or proprietor in fee simple, to whom the lands of smaller value shall be awarded; and that if any party to any such excambion shall give or shall receive any consideration or value of any kind whatever, other than the lands to be exchanged, or such excess as aforesaid not exceeding 200*l.*, such excambion shall be null and void.

VI. Provided, That where any such heir in possession shall apply as aforesaid for the excambion of any part or parts of any entailed estate or estates under more than one deed of entail, descendible to the same series of heirs, such deeds of entail shall in reference to such application be held and construed to be one deed of entail, and the estates settled by such entail to be one entailed estate: Provided also, that an Act, 10 Geo. 3. c. 51, intituled, 'An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that part of Great Britain called Scotland held under Settlements of strict Entail,' shall remain in full force and effect, excepting in so far as the same is altered or repealed by any of the provisions of this Act.

And for effecting the sale of portions of entailed estates for payment of the entailers's debts,—

It is Enacted,

VII. That from and after the passing of this Act it shall and may be lawful for the heir of entail in the possession of any entailed estate liable to be adjudged or evicted for the debts or obligations of the maker of the entail, and for the tutors or curators or legal guardians of any such heir, if under twenty-one years of age or under any mental or other legal disability, to apply by summary petition to the Court of Session in either of the divisions of the said court, setting forth the entail, and the debts or obligations affecting or which may be made to affect the lands or heritages contained in the said entail as aforesaid, and praying the said Court that so much of the said lands or heritages may be sold as will produce a sum adequate to discharge the debts so affecting the said estate.

VIII. That it shall and may be lawful for the Judges of the said court, sitting in either of the divisions thereof, and they are hereby authorized and required, upon such petition presented to them as aforesaid, to direct due notice, according to the practice of the said court, to be given of such petition to all concerned, to hear all parties that shall appear for their interest, to inquire into and take an account of the debts, obligations, and other burdens due by or binding upon the entailers of such estate, which affect or may be made to affect such estate as aforesaid, and to fix and ascertain the amount of such debts, obligations, and burdens, and interest, if any, due thereupon, by interlocutors or judgments, and thereupon to inquire into and ascertain, by the investigation and evidence or report of such surveyors or other skilful persons as the said Court shall think fit to nominate and appoint for that purpose, what portions of such entailed estate sufficient to produce a price adequate to the payment of all

such debts, obligations, and burdens affecting or capable of being made to affect the said entailed estate as aforesaid may be sold with the least detriment or injury to the remainder of such estate, and to take all necessary proof thereof, and of the value at which such portions of such estate ought either in whole or in lots to be exposed to sale, and thereupon to order and decern that such portions of such estate shall be sold by public roup or auction.

IX. That the said Judges shall cause notice of the intended sale or auction of such portions of such estates to be inserted in one of the newspapers published in the county or counties in which the lands or heritages to be sold lie, and also in three of the newspapers published in Edinburgh, three times, at least three weeks previous to the day of sale, and shall otherwise advertise and notify such sale as to the said Judges shall seem necessary and proper; and the articles and conditions of roup or sale of such portions of such estates shall be adjusted at the sight and with the approbation of the said Judges, and the lands or heritages be exposed to sale in such manner as the said Judges shall direct; and the said Judges may authorize and direct such sales respectively to be adjourned from time to time, and to be again from time to time advertised and notified as hereinbefore directed.

X. That upon the sale of such portions of such estates as aforesaid the said Judges shall adjudge and decern the same, freed from all the burdens, conditions, restrictions, and provisions, clauses irritant and resolute, and other clauses of such entail, to belong to and be the property of the purchaser or respective purchasers thereof, when and as soon as such purchaser or purchasers shall have completed such purchase or purchases by payment or consignation of the purchase-money, or price or prices at or for which he, she, or they shall have purchased the same, to or with the treasurer, cashier, or manager or other proper officer of the Bank of Scotland, the Royal Bank of Scotland, Bank of the British Linen Company of Scotland, Commercial Bank of Scotland, or National Bank of Scotland respectively, to whom the said Judges shall order such payment or consignation to be made, to be placed to an account to be raised in the books of such bank in the name or names of such person or persons as the said Judges shall direct; and which monies shall, when so paid in, produce the highest interest that can be obtained for the same, which interest shall by such person or persons be annually accumulated and added to the principal sum, to carry interest together, until applied, by a warrant or warrants of the said Judges in either division of the said court as aforesaid for the purposes of this Act; and the said Judges shall further pronounce such interlocutor or interlocutors and hold such other proceedings in the said matter as the Judges of the Court of Session are in use to pronounce and hold in judicial sales, or as shall appear to the said Judges necessary for fully carrying the purposes of this Act into execution.

XI. That the purchaser or purchasers in pursuance of this Act, and their heirs and assignees, shall, by the interlocutors or decrees of sale to be pronounced by the said Judges, and upon full payment of the price or prices for which they shall respectively purchase to such person or persons or in such way as they shall by the articles and conditions of sale be taken bound to pay the same, have a good and undoubted right to the lands and heritages so to be purchased by them, freed and discharged of all the conditions, provisions, limitations, and restrictions of such entail, and of all the debts, obligations, and burdens by which the said lands and heritages were affected, and from every other incumbrance, defect of title, or ground of eviction whatsoever, in as full and ample a manner, sort, and form as any purchaser of lands at a judicial sale before the Court of Session may, can, or ought to have by the law and practice of Scotland; and the heir of entail of the estate for the time being, or his or her tutors or curators or other legal guardians as aforesaid, shall and is or are hereby required to execute and deliver, under the authority of the said Judges of the Court of Session in either division thereof as aforesaid, all such dispositions and conveyances of such portions of such estates as shall be so sold, containing procuratories of resignation, precepts of assine, and other usual and necessary clauses as shall by the said Judges be deemed necessary and proper, in favour of such purchaser or purchasers, his, her, or their heirs and assignees, without incurring any irritancy or forfeiture, anything in such deed of entail to the contrary notwithstanding.

XII. Provided, That such parts of such entailed estate as shall not be sold under the authority of this Act, in the manner herein directed, shall remain and continue settled and entailed to and upon the same series of heirs, under the same prohibitory, irritant, and resolute clauses, provisions, and conditions as are contained in such deed of entail, but subject to the powers and provisions hereinbefore given by this Act.

XIII. That after such sale or sales are accomplished, and the purchase-money paid or consigned as aforesaid, the said Judges of the Court of Session in either division thereof shall issue their warrants or decrees for payment out of the money so paid or consigned, of the expenses of the proceedings attending such petition, inquiry and sale, and also of the amount of such debts, obligations, or burdens affecting or which might be made to affect such entailed estate as aforesaid of which such portions have been sold as aforesaid; and every creditor in such debt, obligation, or burden shall upon receiving payment be obliged to execute a complete discharge of his or her debt, right, or claim; and the several discharges shall be registered in the books of council and session.

XIV. Provided, That if any party interested in such entailed estate shall have appeared and been heard before the said Court, it shall be competent for the said Court to decern the expenses incurred by such party in such appearance and hearing to be borne, either by such party, or by the heir applying for such sale, either out of the price of the lands to be so sold, or otherwise as to the said Court shall seem just.

XV. Provided, That if any surplus exceeding 200*l.* shall remain of the price of the lands and heritages so sold, after defraying such expenses, debts, obligations, or burdens directed to be paid as aforesaid, the said Judges of the said court in either of the divisions thereof shall and they are hereby empowered and required to direct and order that such surplus shall be laid out and employed in the purchase of other lands or heritages, which shall be limited and settled to the same uses and purposes, and under the like prohibitory, irritant, and resolute clauses, as by the deed of entail in relation to which such proceedings have been held the lands and heritages therein described stand limited and settled.

XVI. That when such surplus shall be laid out and employed in the purchase of other lands or heritages to be settled as aforesaid, the disposition, deed, or settlement of entail thereof to or in favour of the heir of entail in possession for the time being, and the other heirs of entail entitled to succeed to the entailed estate to which the lands or heritages so purchased are

to be added, shall be framed at the sight and with the approbation of the Judges of the said Court, and shall be so framed as to bind the heir in possession or person in whose favour the same is executed as well as the succeeding heirs of entail.

XVII. That after such disposition, conveyance, or entail shall be so made and executed, the same shall be directed by the said Judges to be forthwith recorded in due form in the register of tailzies, for the benefit of all the persons interested therein, and infeftment shall be taken by virtue of the procuratory of resignation or the precept of assine therein contained, and shall be registered agreeably to the forms and practice of the law of Scotland, upon all which the said Court shall interpose its authority by declaring that the directions by this Act given have been complied with according to the true intent and meaning thereof.

XVIII. That until such surplus as aforesaid shall be applied in the purchase of other lands or heritages as aforesaid, the said Judges shall order and direct that the same shall remain in one or other of the aforesaid banks respectively, subject to the direction of the said Judges of that division of the said court to which application shall have been originally made, in the name of such person or persons as they shall have appointed, who shall receive the highest interest which can be got for the same; and the interest arising from the money so paid in shall be laid out in the name or names of such persons as aforesaid, and shall annually accumulate and be added to the principal sum, so that they may carry interest together until a proper purchase in lands or heritages shall be found, to be limited and settled in the manner hereinbefore directed, and until the same shall be ordered to be paid by the treasurer, cashier, or manager or other proper officer of the Bank of Scotland, the Royal Bank of Scotland, Bank of the British Linen Company of Scotland, Commercial Bank of Scotland, or National Bank of Scotland respectively, for completing the said purchase in such manner as the said Court shall think just and direct; and if the money arising by the principal and accumulated interest of such sum or sums shall exceed the amount of the original purchase-money, then and in that case only the surplus which shall remain, after discharging the expense of the applications to the Court, shall be paid to the person or persons respectively who would have been entitled to receive the rents and profits of the entailed lands or heritages.

XIX. That if such surplus as aforesaid shall be under 200*l.* sterling, the same shall be paid, by order of the said Court, to the heir in possession of such entailed estate for the time being.

XX. That any matter or thing permitted or prohibited to be done by any heir of entail by virtue of this Act is and shall be permitted or prohibited to be done by any trustees or trustee holding lands in trust under obligations to entail the same; and that where the words "heir" or "heirs of entail" are used in any part of this Act, such word or words shall be held and construed to include the institute equally as any substitute heir of entail.

XXI. Provided, That notice of all applications, either to the Court of Session or any Lord Ordinary of the said Court, or to any sheriff of any county, under the provisions of this Act, by any heir of entail, shall be inserted once at least in the *London* and *Edinburgh Gazettes*, and in two or more newspapers published in Edinburgh and usually circulated in the part of Scotland in which the entailed lands and estates to which such application relates lie, and also in any one newspaper published (if any so be) in such part of Scotland at least three months previous to the making such application; and where such application shall be to the Court of Session, the said Court or the Lord Ordinary shall, if they or he shall see cause, cause such further intimation thereof to be made in the minute book of the said Court or on the walls of the Parliament House, or otherwise, as the said Court or Lord Ordinary shall think proper.

CAP. XLIII.

AN ACT to provide for the taking of Judicial Ratifications of *Scottish* Deeds on Oath as heretofore.

(28th July 1836.)

By this Act,

After reciting the passing and the title of 5 & 6 Will. 4. c. 62, and that by the said recited Act it is enacted, that from and after the commencement thereof it should not be lawful for any Justice of the Peace or other person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such Justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: And that by the law and practice of Scotland judicial ratifications by married women upon oath are acts of voluntary jurisdiction which may be proceeded in before any Judge: And that the said recited Act may be construed to apply to the oaths taken in such ratifications, and it is expedient that such law and practice should not be affected or rendered doubtful:—

It is Enacted,

That nothing in the said recited Act contained shall prevent or be construed to prevent the taking of oaths in judicial ratifications by married women as the same might by the law and practice of Scotland have heretofore been taken, nor shall any thing in the said recited Act contained invalidate or be construed to invalidate any such ratification on oath taken according to such law and practice since the commencement of the said recited Act; and every such ratification taken under a declaration since the passing of the said recited Act shall be of the same force and effect as if such ratification had been taken on oath.

CAP. XLIV.

AN ACT to continue the Laws for the Relief of Insolvent Debtors in *England* until the First Day of *June* One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament.

(28th July 1836.)

By this Act,

7 Geo. 4. c. 57, 1 Will. 4. c. 38, 2 Will. 4. c. 44, and this Act, are continued in force until the 1st of June 1837, and from thence until the end of the then next session of Parliament.

CAP. XLV.

AN ACT to transfer the Collection and Management of the Duties in *Great Britain* on Horses let for Hire, and on Licences relating to the same, from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

(28th July 1836.)

ABSTRACT OF THE ENACTMENTS.

1. From 31st January 1837 the care and management of the duties on horses let for hire, and on licences relating to the same, transferred from the Commissioners of Stamps and Taxes to the Commissioners of Excise.
2. Powers, &c. of 2 & 3 Will. 4. c. 120. to be executed by the Commissioners of Excise, and powers, &c. of Excise Acts to be of full force for collecting the duties transferred.
3. Proviso for collecting duties accrued before 31st January 1837.
4. Act may be altered this session.

By this Act,

After reciting the passing and titles of 2 & 3 Will. 4. c. 120, and 4 & 5 Will. 4. c. 60: And that it is expedient to transfer the collection and management of the duties on horses let for hire, and on licences relating to the same, from the said Commissioners of Stamps and Taxes to the Commissioners of Excise:—

It is Enacted,

I. That from and after the 31st day of January 1837 the care and management of the rates and duties granted and made payable by the said first-recited Act in and throughout Great Britain for and in respect of every horse let for hire, and every licence relating to the same, and mentioned and described in the said schedule (A.) to the said Act annexed, shall be and the same are hereby transferred from the Commissioners of Stamps and Taxes to the Commissioners of Excise in Great Britain for the time being; and the said rates and duties shall thenceforth be denominated and deemed to be duties of Excise, and shall be raised, levied, collected, and paid and accounted for by and under the authority, care, and management of the said Commissioners of Excise.

II. That all the powers, provisions, regulations, and directions contained in the said first-recited Act shall be executed and enforced by the Commissioners of Excise and their officers respectively, for securing and collecting the said duties, as fully and effectually as if such powers, provisions, regulations, and directions had been originally given to the said Commissioners of Excise and their officers respectively, and as if the same were repeated and re-enacted in this Act, and that all the powers, provisions, regulations, and directions, forfeitures, pains, and penalties contained in and imposed by the said Act, and all the provisions, powers, regulations, and directions, forfeitures, pains, and penalties contained in and imposed by any Act or Acts in force immediately before the passing of this Act, in relation to any of the duties of Excise, so far as such last-mentioned provisions, powers, regulations, directions, forfeitures, pains, and penalties shall be applicable to the said duties on horses let for hire, or on licences relating to the same, and so far as the same shall not be inconsistent with the special powers, provisions, regulations, and directions, forfeitures, pains, and penalties contained in the said first-recited Act, shall be of full force and effect, and shall be applied and put in execution for securing, collecting, recovering, and paying the said last-mentioned duties, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually to all intents and purposes as if such powers, provisions, regulations, and directions, forfeitures, pains, and penalties were repeated and specially enacted in this Act; and wherever in the said first-recited Act the head office for stamps, or the solicitor of stamps in England or Scotland respectively, or any officer of stamp duties, is mentioned or designated, the same shall, so far as relates to the duties on horses let for hire and on licences relating to the same, be deemed and taken to mean the chief office of Excise in London, the solicitor of Excise in England or in Scotland, as the case may be, and any officer of Excise respectively; and the account by the said Act directed to be kept and to be intitled "Stamp Office Weekly Account" shall be intitled "Excise Office Weekly Account."

III. Provided that nothing in this Act contained shall extend or be deemed or construed to extend to prevent the Commissioners of Stamps and Taxes, or any collector or other person appointed by them, or any farmer of the said duties on horses let for hire under any demise or contract which shall be existing on the said 31st day of January 1837, or any assignee of such farmer, from doing or causing to be done, at any time after the said 31st day of January, all or any such acts, matters, and things whatsoever as shall or may be necessary or expedient for raising, levying, collecting, recovering, and paying all or any of the duties on horses let for hire, and on licences to let such horses, and all penalties and forfeitures relating thereto, which shall accrue due or be incurred respectively on or before the said 31st day of January, and all or any sum or sums of money due and payable to His Majesty, his heirs or successors, in respect of any of such duties or penalties; but that all such duties, sum and sums of money, and all penalties and forfeitures whatsoever in relation thereto, shall and may be raised, levied, collected, sued for, recovered, and paid by the same ways and means, and in such and the same manner in all respects, as if this Act had not been passed.

IV. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XLVI.

AN ACT to continue until the Thirty-first day of *December* One thousand eight and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His late Majesty, for the Administration of Justice in *New South Wales* and *Van Diemen's Land*.

(28th July 1836.)

CAP. XLVII.

AN ACT to continue until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*.

(28th July 1836.)

By this Act,

I. 9 Geo. 4. c. 73, 2 Will. 4. c. 43, 5 Will. 4. c. 79, are continued until the 1st of March 1839, and from thence until the end of the then next session of Parliament.

And after reciting that it may have happened that divers acts have been done since the 1st of March last pursuant to the provisions in the said recited Acts contained, and doubts may be entertained of the validity or efficacy of such acts, or of some of them, and that it is expedient that such doubts should be removed;

It is Enacted and Declared,

II. That all acts, deeds, matters, and things whatsoever which shall have been made or done on or subsequent to the said 1st of March last, and which would have been valid and effectual if the said several Acts had been then in force, are and shall be, and shall be held, adjudged, deemed, and taken to be, as valid and effectual to all intents and purposes as if the said recited Acts had not expired, and this Act had passed on the 29th of February last.

III. That this Act may be amended, altered or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. XLVIII.

AN ACT to indemnify the Governors and others of the Islands of *Antigua*, *Saint Christopher*, *Nevis*, and *Montserrat* for having permitted the Importation of certain Articles Duty-free.

(28th July 1836.)

By this Act,

After reciting that the Islands of *Antigua*, *Saint Christopher*, *Nevis*, and *Montserrat*, in the West Indies, were in the month of August 1835 visited with a most violent and destructive hurricane, whereby the inhabitants experienced very great distress, in consequence of which it had been deemed expedient to admit for a limited time the importation into those islands,

in vessels of all nations, of beef salted, bread, biscuit, boards, corn, corn meal, horned cattle, flour, fish pickled, salted, or dried, wood hoops, lumber of all kinds, mill timber, oats, pease, pulse, pork salted, plank, rice, shingles, staves, and scantling duty-free;—

It is Enacted,

I. That all beef salted, bread, biscuit, boards, horned cattle, corn, corn meal, flour, fish pickled, salted, or dried, wood hoops, lumber of all kinds, mill timber, oats, pease, pulse, pork salted, plank, rice, shingles, staves and scantling which may have been imported duty-free under any proclamation of any of the governors of the said islands, is hereby declared to be free of duty accordingly.

II. That the respective governors of the said islands, and the respective collectors and other officers of the Customs in the said islands, and all persons whatever acting or having acted under their orders and directions, shall be and are hereby indemnified for any orders which they may have respectively given upon or after the time on which the hurricane in the said islands took place, by reason of which any duty that was then legally due and payable on the importation into the said islands respectively of the several articles before enumerated ceased to be levied and collected, and for any omission on their parts to cause such duty to be levied and collected since such hurricane.

CAP. XLIX.

AN ACT to enable the Master of the Rolls to demise Part of the Rolls Estate to the Society of Judges and Serjeants.

(28th July 1836.)

By this Act,

After reciting that the present chambers of the Judges are insufficient for the accommodation of the public and for the necessary transaction of the business therein, and it is expedient that new chambers should be erected for use of the Judges on the Rolls Estate; but that the same cannot be done without the aid of Parliament:—

It is Enacted,

That it shall and may be lawful for the Master of the Rolls, by and with the consent and approbation of any three of the Lords Commissioners of His Majesty's Treasury for the time being, testified by their being parties to such lease, to grant to the Society of Judges and Serjeants-at-Law, at a peppercorn rent, a lease for a term not exceeding ninety-nine years of such part of the said Rolls Estate as may be necessary for the erection of commodious chambers for the use of the Judges for Judicial purposes, together with convenient avenues and approaches to the same from Serjeant's Inn; such lease nevertheless to contain such covenants, provisions, and restrictions as three of the said Lords Commissioners of His Majesty's Treasury for the time being shall order and direct.

CAP. L.

AN ACT to authorize the placing of the Horse Patrol now acting under the Authority of the Chief Magistrate of the Public Office in Bow Street under the Authority of the Justices appointed for the Metropolitan Police District.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Horse patrol to be under the authority of the Justices appointed under the recited Act.
2. Such Justices to act also in the counties of Berks and Bucks.
3. The said Justices to appoint the persons to act as horse patrol.
4. Penalty for assaulting horse patrol.
5. Punishing horse patrol for disobedience of orders.
6. Penalty on victuallers harbouring horse patrol.
7. Receiver of police offices to pay over a certain sum to the Receiver of the Metropolitan Police District for the support of the horse patrol.
8. Receiver of Metropolitan Police District to pay such monies into the Bank of England.
9. Extending certain powers of Act, 10 Geo. 4. to this Act.
10. Horses, arms, &c. of horse patrol vested in Receiver of Metropolitan Police.
11. The said Receiver to pay wages of horse patrol, and expenses connected therewith.
12. Provisions of recited Act relative to punishment of offenders extended to this Act.
13. Horse patrol not to be allowed to vote, or otherwise interfere in elections, except in discharge of their official duties.
14. Act may be altered.

By this Act,

After reciting that it is expedient that the horse patrol now acting under the authority of the Chief Magistrate of the public office in Bow Street should be placed under the authority of the Justices appointed by virtue of 10 Geo. 4. c. 44;—

It is Enacted,

I. That it shall be lawful for one of His Majesty's principal Secretaries of State to direct that such horse patrol shall be under the authority of the said Justices for the time being; and it shall be lawful for one of the said Justices to administer to such horse patrol an oath to act as constables for the preservation of the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall, within the counties of Middlesex, Surrey, Hertford, Essex, and Kent, and within all liberties therein, and within the royal palaces of His Majesty, his heirs and successors, and ten miles thereof, have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has or hereafter may have within his constableness by virtue of the common law of this realm, or of any statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the said Justices for conducting themselves in the execution of their office.

II. That it shall be lawful for His Majesty to appoint the said Justice or Justices of the Peace of the counties of Berks and Bucks and of all liberties therein, and for the said Justices so appointed to execute the duties of a Justice of the Peace for the said counties of Berks and Bucks and for all liberties therein, although they may not have any such qualification by estate as is required by law in the case of any other person being Justices of the Peace for any county: Provided always, that no such person shall act as a Justice of the Peace at any Court of General or Quarter Sessions, nor in any matter out of sessions, except for the preservation of the peace, the prevention of crimes, the detection and committal of offenders, and in carrying into execution the purposes of this Act.

III. That the said Justices may from time to time, subject to the approbation of one of His Majesty's principal Secretaries of State, appoint fit and proper persons to act as such horse patrol, and may frame such orders and regulations as they shall deem expedient relative to the general government of the said horse patrol, the places of their residence, the classification, rank, and particular service of the several members, their distribution and inspection, the description of arms, accoutrements, and other necessaries to be furnished them, and all such other orders and regulations relative to the said horse patrol as the said Justices shall from time to time deem expedient; and the said Justices may at any time suspend or dismiss from his employment any man belonging to the said horse patrol whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed or cease to belong to the said horse patrol all powers vested in him as a constable by virtue of this Act shall immediately cease and determine.

IV. That if any person shall assault or resist any person belonging to the said horse patrol in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before two Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding 5*l.*, as the said Justices shall think meet, and in default of immediate payment shall suffer imprisonment with or without hard labour for any time not exceeding two months.

V. That if any of the said horse patrol shall be guilty of any disobedience of orders, neglect of duty, or of any misconduct as such constable, and shall be convicted thereof before two Justices of the Peace, he shall forfeit any sum not exceeding 10*l.*, and in default of immediate payment shall suffer imprisonment, with or without hard labour, for any time not exceeding three months: Provided always, that nothing herein contained shall prevent any such person from being proceeded against by way of indictment for any offence committed by him as a constable, so as that no person shall be proceeded against both by indictment and also under this Act for the same offence.

VI. That if any victualler, or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any man belonging to the said horse patrol, or permit such man to abide or remain in his house, shop, room, or other place during any part of the time appointed for his being on duty, every such victualler or keeper as aforesaid, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding 5*l.*, as they shall think meet.

VII. That it shall be lawful for one of His Majesty's principal Secretaries of State to direct that the Receiver for the time being of the police offices established in the parishes of Saint Margaret Westminster, Saint James Westminster, Saint Marylebone, Saint Andrew Holborn, Saint Leonard Shoreditch, Saint Mary Whitechapel, and Saint John of Wapping, in the county of Middlesex, and Saint Saviour in the county of Surrey, to pay over, out of the monies issued to him out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the Receiver of the Metropolitan Police District for the time being, an annual sum, not exceeding 10,000*l.*, for the support and maintenance of the said horse patrol.

VIII. That the said Receiver of the Metropolitan Police District shall pay over all monies so received by him on account of the said horse patrol into the hands of the Governor and Company of the Bank of England, and shall keep a separate and distinct account of such monies, and of all sums expended by him in respect of the said horse patrol.

IX. That all the provisions and enactments contained in the aforesaid Act relative to the drawing and accounting for monies which may come into the hands of the said Receiver of the Metropolitan Police District for the purposes of that Act, and for the auditing the accounts of the said Receiver, and the powers and liabilities of the said Receiver shall be deemed and taken to extend to the said Receiver in respect to the said horse patrol, so far as the same may be applicable, as fully and entirely as if the same were herein expressed and enacted.

X. That the said Receiver of the Metropolitan Police District shall stand possessed of all the horses, arms, accoutrements, and other necessaries which have been furnished, and are in the use or possession of the said horse patrol, and make all such contracts or disbursements as shall be necessary for renting any land or buildings, or for erecting, fitting up, furnishing, or repairing any buildings for the purposes of this Act, in such manner as one of His Majesty's principal Secretaries of State shall direct; and of all lands and buildings so to be rented, and of the fixtures and furniture thereof, and of all goods and

chattels whatsoever to be from time to time held or purchased for the purposes of this Act, the property acquired therein shall be vested in the said Receiver for the time being; and the said Receiver may, by the directions of such principal Secretary of State, sell, assign, or dispose of the whole or any part of such property as aforesaid, and shall execute all such lawful matters for carrying this Act into execution as such principal Secretary of State shall from time to time direct.

XI. That the said Receiver of the Metropolitan Police District, out of the monies so received by him on account of the said horse patrol, shall from time to time pay to the horse patrol such salaries, wages, and allowances, and at such periods, as one of His Majesty's principal Secretaries of State shall direct, and also any extraordinary expenses which they shall appear to have necessarily incurred in apprehending offenders, and executing the orders of either of the Justices, such expenses being first examined and approved by one of the said Justices; and the Receiver shall likewise pay any further sums which such principal Secretary of State shall direct to be paid to any of the persons belonging to the said horse patrol, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and he shall also pay all other charges and expenses which such principal Secretary of State shall direct to be paid for carrying this Act into execution.

XII. That all the provisions contained in the hereinbefore mentioned Act for the punishment of offences and recovery and application of penalties shall be deemed and taken to extend to any offence committed against this Act, so far as the same may be applicable, as fully and entirely as if the same were herein expressed and enacted.

XIII. That no person who after the passing of this Act may be appointed to the said horse patrol shall, during the time that he shall continue a member thereof, or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in Parliament for the counties of Middlesex, Surrey, Hertford, Essex, or Kent, or for any city or borough within the metropolitan police district, nor shall, by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member to serve in Parliament for any such county, city, or borough; and if any such person belonging to the said horse patrol shall offend therein, he shall forfeit the sum of 100*l.*, to be recovered by any person who will sue for the same, by action of debt to be commenced within six calendar months after the commission of the offence; and one moiety of the sum so recovered shall be paid to the informer, and the other moiety thereof to the Receiver for the Metropolitan Police District, to be by him added to and applied as part of the funds for the purposes of the said horse patrol: Provided always, that nothing in this enactment contained shall subject any such person belonging to the said horse patrol to any penalty for any act done by him as or concerning any of the said elections in the discharge of his official duty.

XIV. That this Act may be amended, altered, or repealed by any Act to be passed in the present session of Parliament.

CAP. LI.—IRELAND.

AN ACT for converting the *Richmond* General Penitentiary into one of the Prisons for the County of the City of *Dublin*, and to amend the Law relating to Prisons in *Ireland*.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. The Lord Lieutenant may transfer the *Richmond* General Penitentiary to the Commissioners appointed by the grand jury.
2. The expenses of repairing buildings, salaries of officers, and support of prisoners to be paid by grand jury presentment.
3. Local inspector, chaplains, and medical officers to be appointed by the grand jury; gaolers, matrons, &c. by the Lord Lieutenant.
4. The Lord Lieutenant may discontinue the *Smithfield* Penitentiary as a prison for the county of *Dublin*.
5. So much of 48 Geo. 3. c. 140. as relates to the exercise of any power by Divisional Justices over gaols, &c. repealed.
6. Part of 7 Geo. 4. c. 74. repealed.—Grand jury of the county of the city of *Dublin* to appoint a board of superintendence as in other counties under the 7 Geo. 4. c. 74.
7. Provisions in recited Act regarding poor prisoners to extend to prisoners confined in the *Marshalsea*, *Dublin*.

By this Act,

After reciting that it is necessary to make better provision than now exists for the accommodation and classification of prisoners in the county of the city of *Dublin*, and to make other provisions respecting the prisons in the said county of the city of *Dublin*:—

It is Enacted,

1. That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any time after the passing of this Act, by warrant under his or their hand and seal, to grant and convey the prison called the *Richmond* General Penitentiary, and the site thereof, and the courts, yards, out-offices, buildings, and appurtenances belonging thereto, to the Commissioners appointed in the last Hilary Term by the grand jury of the county of the city of *Dublin* for causing an additional prison for male felons to be built within the boundary walls of the *Richmond* Bridewell, their heirs and assigns, in trust for the uses and purposes of this Act, and of an Act, 7 Geo. 4. c. 74, intituled, 'An Act for consolidating and amending the laws relating to Prisons in *Ireland*;' and the said *Richmond* General Penitentiary, and the site thereof,

and the courts, yards, out-offices, buildings, and appurtenances thereto belonging, shall thereupon become and be vested in the said Commissioners accordingly, and shall be deemed and taken to be, to all intents and purposes, part of the said county of the city of Dublin, and to be one of the prisons of and for the said county of the city of Dublin, and be subject to all the rules, regulations, and provisions contained in the said recited Act, or any other Act or Acts passed or to be passed for the regulation of the prisons within the said city, and the classification and custody of prisoners therein, and the duty of the several officers and attendants belonging thereto, save as the same may be altered by this Act; and the removal of any prisoner who might by law be confined in any prison within the county of the city of Dublin to or from the said Richmond General Penitentiary shall not be deemed an escape of such prisoner, although in such removal he or she may be brought into or through some part of the county of Dublin.

II. That all and every the expense of altering, enlarging, and repairing the said prison, and of paying the salaries and allowances of the gaolers, keepers, local inspectors, matrons, servants, turnkeys and their assistants, medical and other officers to be appointed to the said prison, or to any house of correction within the same, or within the boundary wall thereof, and of the providing food, fuel, furniture, utensils, bedding, clothing, and other necessities for the prisoners therein, shall be raised by presentment of the grand jury of the county of the city of Dublin; and in case such grand jury shall at any time refuse or neglect to make such presentment or provision after having been properly called upon and directed by the Court or Judges to make the same, then and in every such case the said Court or Judges are hereby empowered and required to direct that the amount of the sum which ought to have been presented shall be added to the warrant of the treasury of the said county of the city of Dublin, and the same shall be raised, levied, apportioned, and assessed in like manner as any presentment duly made upon the said county.

III. That the local inspector, chaplains, surgeon, physician, and apothecary of the said prison shall be appointed from time to time by the grand jury of the county of the city of Dublin as provided by the said recited Act, 7 Geo. 4. c. 74, for the prisons now established in the said county of the city of Dublin, and that the keepers, matrons and other attendants, servants and turnkeys, and their assistants, of and for the said prisons, shall be appointed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, according to such establishment and with such salaries and allowances as shall be certified from time to time by the Inspectors General of Prisons, under their hands, to the said Lord Lieutenant or other Chief Governor or Governors, and approved of by him or them as being sufficient and necessary for the care and management of the prison and the prisoners therein: Provided always, that the sheriffs of the county of the city of Dublin shall not be answerable for the safe custody of any prisoner confined in the said prison or any part thereof, or any building situate within the walls thereof; and provided also, that the keeper or gaoler of the said prison shall not be entitled to any presentment for or in lieu of fees on the acquittal, conviction, or discharge of any prisoner.

After reciting that on the establishment of the said prison under this Act it will be unnecessary to continue the Smithfield Penitentiary as a place of confinement for prisoners for the county of the city of Dublin, and the same may be conveniently employed as a dépôt for prisoners convicted and sentenced to transportation, or for other purposes:—

It is Enacted,

IV. That when the said prison hereby directed to be vested in the said Commissioners shall be made fit for the reception and safe-keeping of such prisoners as may be lawfully confined therein, and the Inspectors General of Prisons shall certify the same under their hands to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, and to the grand jury of the county of the city of Dublin, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governors of Ireland to direct, by warrant under his or their hand, that the said Smithfield Penitentiary shall thenceforth be discontinued to be and shall no longer be used as a bridewell or prison for prisoners of or from the county of the city of Dublin, and to direct the removal of the prisoners then confined therein to such other prison or prisons in the county of the city of Dublin as to him or them may seem fit, and from thenceforth no presentment shall be made by the grand jury of the county of the city of Dublin for or on account of the said Smithfield Penitentiary, or of any other expenditure connected therewith; and the same, and all yards, grounds, outhouses, offices, and buildings connected therewith, shall and may be employed, under the orders of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, as a dépôt for convicts sentenced to transportation, or for such other purposes as he or they may think fit; and the same shall become and be legally vested in such person or persons as the Lord Lieutenant or other Chief Governor or Governors of Ireland may direct, in trust for the purposes of this Act.

V. That from and after the passing of this Act such parts of an Act, 48 Geo. 3. c. 140, intituled, 'An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of Dublin Metropolis,' as relate to the appointment of any officer, or to the exercise of any power or authority in any gaols, houses of correction, marshalseas, bridewells, or other prisons within the county of the city of Dublin by the Divisional Justices of the Castle Division of the Head Office of Police, be and the same are hereby repealed.

VI. That so much of the said recited Act, 7 Geo. 4. c. 74, as excepts the county of the city of Dublin from the operation of that part of the said Act under which the grand jury of every county, county of a city, or county of a town throughout Ireland is authorized and required to appoint a board of superintendence, with certain powers and duties as in the said Act set forth, be and the same are hereby repealed; and that the grand jury of the county of the city of Dublin aforesaid shall and may, at the next presenting term after the passing of this Act, and at every such succeeding presenting term, and they are hereby authorized and required to appoint a board of superintendence of every gaol, bridewell, house of correction, or other prison within the said county of the city of Dublin, supported in part or in the whole by grand jury presentment, under the same regulations, possessing the same powers, and to perform the same duties as are specified and set forth in the said last-recited Act respecting the boards of superintendence appointed in the several counties, counties of cities, and counties of towns respectively throughout Ireland; and that all the provisions of the said last-recited Act relating to boards of superintendence shall apply to and have full force and effect in all things relating to such prisons of the said county of the city of Dublin in the same manner as in those of every other county, county of a city, or county of a

town throughout Ireland ; and in case any of the said offices to which the said grand jury are by this act authorized to appoint shall become vacant between two presenting terms, then and in every such case it shall be lawful for the said board of superintendence to appoint a new officer to fill such vacancy, who shall hold and exercise such office until a new appointment shall be made thereto by the said grand jury, as fully and effectually as such provisional appointment might have been heretofore made by the sheriff of the said county of the city of Dublin : Provided that nothing in this Act contained shall interfere with the regulations in the said recited Act contained respecting the appointment or salaries of medical officers or chaplains by the grand jury of the county of the city of Dublin aforesaid.

VII. That the provisions of the said recited Act with respect to prisoners who shall not be of sufficient ability to procure food and other necessities, and also with respect to prisoners confined or detained at the suit of any creditor or creditors for any debt less than the sum of 10*l.*, and for the payment to them by such creditor or creditors of any weekly sum, and for their discharge in default of such payment, shall be deemed and taken to apply and extend to prisoners confined in the Marshalsea of the city of Dublin as fully as to prisoners confined in any other prison in Ireland.

CAP. LII.

AN ACT to repeal the Duties and Drawbacks of Excise on Paper printed, painted, or stained in the United Kingdom ; and to reduce the Duties, Allowances, and Drawbacks on Paper, Button-board, Mill-board, Paste-board, and Scale-board, made in the United Kingdom, of the First Class ; and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Duties and drawbacks on stained paper repealed.—*Proviso as to duties charged and drawbacks payable before 5th July 1836.*
2. Duties and drawbacks on the several papers herein mentioned to cease after 10th October 1836.—*Proviso respecting arrears.*
3. Duty of 1½*d.* per pound weight to be charged on all paper, mill-board, paste-board, and scale-board made in the United Kingdom.
4. Allowances and drawbacks on all paper, &c. to be paid at 1½*d.* per pound.
5. Drawback on stained paper exported to be 2*d.* for every dozen square yards.
6. Duties, allowances, and drawbacks to be collected and paid under former existing regulations.
7. Makers not to be required to write on the label the class of paper.
8. Penalty for not obliterating or defacing labels reduced from 20*l.* to 10*l.* for each label.
9. So much of 1 Geo. 4. c. 58. as requires pasteboard-makers to take out a licence and make entry of his premises, &c. repealed.
10. So much of 58 Geo. 3. c. 65. as authorizes the survey of dealers in and retailers of vinegar repealed.
11. Paper-makers sending to stationers, pasteboard-makers, and paper-stainers first class paper charged with duty before the 10th October may, upon notice, send with it a certificate, on which after 10th October the holder may obtain a remission of the duty to the reduced rate.—*Form of certificate.—Manner of proceeding with certificate.*
12. Sample of paper, &c. intended to be removed to be delivered to officer of Excise.
13. Stationer, pasteboard-maker, or paper-stainer receiving such paper to keep it apart from other paper and unopened, unless it is wanted for immediate consumption, when a memorandum of the reasons made use of shall be made on the certificate.
14. After 10th October claim to be made for the allowance.—*Proceedings upon claim made.*
15. Allowances to be payable twelve weeks after the charge of duty.
16. Penalty on fraudulently obtaining or attempting to obtain the allowance.
17. All paper, glazed paper, sheathing paper, button-board, mill-board, paste-board, and scale-board of whatever materials and in whatever manner manufactured, to be subject to duty.—*Proviso.*
18. Act may be altered this session.

By this Act,

After reciting that by 43 Geo. 3. c. 69, for repealing the duties of Excise payable in Great Britain, and for granting other duties in lieu thereof, certain duties of Excise were granted and imposed for every yard square of paper which should be printed, painted or stained in Great Britain to serve for hanging or other uses, over and above the duties payable for such paper before the printing, painting, or staining thereof, and certain drawbacks were made payable on the exportation of paper so printed, painted, or stained ; and that by 5 Geo. 4. c. 55. for assimilating the duties and drawbacks on hides, skins, leather, parchment, paper, and paper-hangings manufactured in Ireland to the duties and drawbacks payable on the like articles in Great Britain, and for equalizing the measures and weights whereby the duties of Excise and Customs should be payable throughout the United Kingdom, the like duties and drawbacks were granted, imposed, and made payable on paper printed, painted, or stained in Ireland : And that it is expedient that the said duties and drawbacks, with the duties payable on licences taken out by printers, painters, and stainers of paper, should be repealed : And that by the said recited Acts respectively the duties of Excise on paper and other articles of paper or paper materials made in Great Britain and Ireland are imposed and charged on such paper and other articles according to the class or denomination thereof, whether first class or second class, distinguished by the materials from which such paper or other articles may be made : And that the said distinction of

first and second class paper is found inconvenient ; and it is therefore expedient to reduce the duties, allowances, and drawbacks of Excise now payable on paper and other articles of the first class made in the United Kingdom, and, in lieu thereof, to render the same liable only to the duty now payable on paper of the second class, so as to impose one uniform duty, and to reduce the allowances and drawbacks in proportion :—

It is Enacted,

I. That from and after the 5th of July 1836 all the duties of Excise on paper printed, painted or stained in the United Kingdom, and all drawbacks on such paper exported therefrom, and all duties on licences to be taken out by any printer, painter or stainer of paper, shall be and the same are hereby repealed : Provided always that any of the said duties which may have been charged on or before the said 5th of July 1836, and any arrear thereof, and any drawback which may be payable on any such printed, painted, or stained paper duly exported on or before the said 5th of July 1836, shall be payable and paid ; and all such duties and drawbacks, and all fines, forfeitures, pains, and penalties incurred in relation to the duties and drawbacks, hereby repealed on or before the said 5th of July shall and may be sued for, levied, and recovered and paid in the same manner as if this Act had not been passed.

II. That from and after the 10th of October 1836 the duties, allowances, and drawbacks of Excise now payable on paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board made in the United Kingdom of materials of the first class, shall cease and determine ; Provided always, that any of the said duties which may have been charged on or before the said 10th of October 1836, and any arrear thereof, and all allowances on any such paper which shall become due or payable on or before that day, and all drawbacks in respect of any paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, or any books, exported on or before the said 10th of October 1836, payable at the higher rate of the first class, shall be paid at such rate, and may be sued for, levied, and recovered in the same manner as if such duties, allowances, and drawbacks had not been repealed.

III. That from and after the said 10th of October 1836 the duty of 1½d. for every pound weight avoirdupois now charged and payable on paper of the second class shall be charged and paid on all paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board, of whatever kind or description, which shall be made in the United Kingdom, without reference to the sort, kind, or quality of the materials employed in the manufacture thereof.

IV. That from and after the said 10th of October 1836 the allowances and drawbacks of Excise payable on paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board made in the United Kingdom of materials of the first class, and on books, shall be reduced and paid at the rate of 1½d. for every pound weight avoirdupois thereof, being the duty now payable on paper of the second class, and hereafter to be charged on all paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board of every description.

And after noticing that it is difficult to weigh paper printed, painted, or stained, and it is therefore necessary to grant the drawback thereon in respect of the duty charged on the paper when made by the square yard ;—

It is Enacted,

V. That for every dozen square yards of paper printed, painted, or stained in the United Kingdom, and exported as merchandise, there shall be granted and paid a drawback of 2d.

VI. That the said duties by this Act extended and made general shall continue under the management of the Commissioners of Excise, and that the said duties and the allowances and drawbacks hereby reduced shall continue to be respectively raised, levied, collected, and recovered, allowed and paid, in such and the like manner as heretofore, and all and every pain, penalty, fine, and forfeiture of any nature or kind whatever for any offence committed against or in breach of any Act or Acts of Parliament on and immediately before the commencement of this Act, for securing the revenue of Excise or any duties under the management of the Commissioners of Excise respectively, or for the regulation or improvement thereof, and the several clauses, powers, and directions therein contained, shall be and are hereby directed and declared to continue and to extend to, and the same shall be respectively applied, practised, and put in execution for and in respect of the said several duties, allowances, and drawbacks of Excise, in as full and ample a manner as if all and every the said Acts, clauses, provisions, powers, directions, pains, penalties, fines, and forfeitures, were particularly repeated and re-enacted in the body of this Act.

VII. That from and after the said 10th of October 1836 no maker shall be required to write on the label affixed on the wrapper or cover of any ream or parcel of paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, or scale-board, the class or denomination thereof, anything in any Act or Acts to the contrary notwithstanding.

And after reciting that by an Act, 1 Geo. 4. c. 58, intituled, ' An Act for the better securing the Excise Duties on Paper and Pasteboard,' every stationer and other person is required, upon opening any ream of paper, or parcel of mill-board, button-board, button paper, glazed paper, sheathing paper, paste-board, or scale-board, forthwith to permanently cancel, deface, and obliterate the label, and the several stamps and impressions of stamps thereon, and on the wrappers and covers of every such ream or parcel, and every part of such label, stamps and impressions respectively, without separating, detaching, or taking such label from off such cover or wrappers, under a penalty of 200l. for each such wrapper, cover, or label : And that such penalty of 200l. is excessive ;—

It is Enacted,

VIII. That every stationer and other person shall, on opening any ream or parcel of paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, or scale-board, immediately write in large letters in ink upon the label attached to the cover or wrapper the word "opened," or shall cross such label with ink, or otherwise permanently cancel, obliterate, and deface the same, so as to prevent the said label from being again made use of by any manufacturer, and every stationer or other person who shall not, on opening any such ream or parcel as aforesaid, immediately so write on, cross, or otherwise cancel, obliterate, or deface such label, or in whose possession any such label, whether attached or not to any wrapper

or cover which shall have been opened, shall be found not so written upon, crossed, or otherwise cancelled, obliterated, or defaced, shall forfeit for each such label 10*l.*, and every such label, with any wrapper, or cover, to which the same may be attached, shall also be forfeited.

IX. That so much of the said Act, 1 Geo. 4. c. 58, intituled, 'An Act for better securing the Excise Duties on Paper and Pasteboard' as enacts, "that every maker and manufacturer of paste-board (not made at any mill) from paper of the first class and denomination only, for being cut into and sold by him or her as cards, not exceeding the size of sixty-four square inches, or playing cards, and every maker of bottle-stands, spectacle cases, tea-trays, or any other wares or articles of merchandize made from or with paper pasted or united together and moulded into such articles, shall be deemed a paste-board maker, and shall be subject and liable to take out and pay for a licence as a pasteboard-maker, and to make entry of his or her premises as such at the proper office of Excise, and that every such maker and manufacturer shall from time to time give notice as a pasteboard-maker, and as required by law of pasteboard-makers, of opening any reams of paper for the purpose of the sheets thereof being pasted or united together as aforesaid, and shall at the end of every such quarter of a year as aforesaid make and render to the proper officer of Excise an entry in writing, signed by such maker or his foreman with his christian and surname, of the whole weight of the paper, distinguishing the class or denomination thereof, used and employed by him or her in such quarter as aforesaid, and that he and she respectively have not in such quarter used or employed, or permitted to be used or employed as aforesaid, any other than such paper as was opened in the presence of the proper officer, and is mentioned and entered in such quarterly account as aforesaid; and if any such maker or manufacturer as aforesaid shall neglect or refuse to take out and pay for such licence as aforesaid, or to make such entry at the proper office of Excise as aforesaid, or to make or render such quarterly entry or account as aforesaid, or shall not make true and faithful entries and accounts as aforesaid, or any such pasteboard-maker for cards as aforesaid shall use or employ any other than first class paper for that purpose, or shall make or sell any pasteboard except cut into cards, not exceeding the size of sixty-four square inches, or playing cards, every such maker or manufacturer shall for every such offence forfeit and lose the sum of 100*l.*, and no such maker or manufacturer as aforesaid who shall take out and pay for such licence and make such entry at the next office of Excise, and make and render such quarterly account as aforesaid, and observe, fulfil, and keep the conditions hereinbefore mentioned, shall be subject or liable to any other of the rules relating to makers of pasteboard, anything to the contrary thereof in any other Act or Acts notwithstanding," shall be and the same is hereby repealed.

And after reciting that it is deemed unnecessary to continue the survey by the officers of Excise on dealers in and retailers of vinegar;—

It is Enacted,

x. That so much of an Act, 58 Geo. 3. c. 65, intituled, 'An Act for repealing the Duties of Excise on Verjuice and Vinegar, and granting other Duties in lieu thereof, and for more effectually securing the Duties of Excise on Vinegar or Acetous Acid,' as enacts, "that all and every dealer in, retailer, or seller of vinegar or acetous acid shall make entry at the nearest office of Excise of his, her, or their warehouse, storehouse, cellar, shop, or other place or places in which he, she, or they shall store, deposit, or keep such vinegar or acetous acid or liquor aforesaid, and before receiving any vinegar or acetous acid or liquors aforesaid for sale; and that every such dealer in, retailer, or seller (not being a vinegar maker or makers at any entered place or places within the distance of a quarter of a mile from such warehouse, storehouse, cellar, shop, or other place or places) shall, upon demand, receive from the proper officer of Excise a book or books, to be prepared with proper printed forms and titles for the purposes hereinafter mentioned, and to be kept by every such dealer in, retailer, and seller of vinegar or acetous acid in some public and open part of his, her, or their entered premises, and that from and after the 10th of October 1818 no vinegar or acetous acid exceeding ten gallons at any one time shall be sold, sent out, or delivered by any such dealer in, retailer, or seller of vinegar or acetous acid to any person or persons whatsoever without being accompanied by a certificate filled up and cut out progressively from the printed forms of such certificates contained in such book as aforesaid, signed by such dealer in, retailer, or seller of vinegar or acetous acid selling, sending out, or delivering the same, or some person or persons on his, her, or their behalf, certifying the date thereof, the quantity of such vinegar or acetous acid, and the strength thereof (if above proof), to whom sold, from whose stock delivered, and that the duty has been paid thereon; and that every such dealer in, retailer, or seller of vinegar or acetous acid selling, sending out, or delivering any vinegar or acetous acid exceeding ten gallons at any one time as aforesaid shall at the same time make a correspondent entry thereof, containing the same particulars, in such book as aforesaid, and that such book with such entries so made therein as aforesaid shall at all times lie open and exposed in the entered premises of such dealer in, retailer, or seller of vinegar or acetous acid as aforesaid, to the perusal of any officer or officers of Excise, and shall be delivered by such dealer in, retailer, or seller of vinegar or acetous acid as aforesaid to any officer or officers of Excise upon demand; and if any such dealer in, retailer, or seller of vinegar or acetous acid shall refuse or neglect to make such entry as aforesaid of all his, her, or their warehouses, storehouses, cellars, shops, and other places for storing or keeping vinegar or acetous acid, or shall at any time obstruct or hinder any officer or officers of Excise from entering therein, or inspecting, surveying, weighing, or taking an account of his, her, or their stock of vinegar or acetous acid, or shall conceal any part of such vinegar or acetous acid from the sight or view of the officer or officers, or shall sell, send out, or deliver any quantity of vinegar or acetous acid exceeding ten gallons at any one time unaccompanied by such certificate as aforesaid, or making such entry in such book as aforesaid, or shall convey away or conceal any such book or books as aforesaid, or cancel, obliterate, destroy, or tear out any leaf or leaves therefrom or entry or entries therein, or shall make any false entry or entries therein, or shall oppose, molest, obstruct, or hinder any officer or officers of Excise in inspecting any such book or books or any such entry or entries therein as aforesaid, or shall at any time neglect or refuse when required to give up to any officer or officers such book or books as aforesaid, all and every such dealer in, retailer, or seller of vinegar or acetous acid so offending shall for every such offence severally forfeit and lose the sum of 100*l.*; and all vinegar or acetous acid exceeding ten gallons removing or removed from the stock of any such dealer or dealers as aforesaid without being accompanied by such certificate as aforesaid, and all vinegar or acetous acid found in the possession of any unentered dealer in, retailer, or seller of vinegar or acetous acid, or in any unentered warehouse, storehouse, cellar, shop, or other place of any dealer in or retailer or seller of vinegar or acetous acid, shall be forfeited, and shall and may be seized by any officer or officers of Excise,

and the person or persons removing, carrying, or conveying the same, or aiding or assisting therein, or in whose custody the same shall be found, shall forfeit and lose the sum of 100L." shall be and the same is hereby repealed.

And after reciting that it is expedient to make provision for allowing paper and pasteboard of the first class, and glazed paper, sheathing paper, button paper, button-board, mill-board, and scale-board which may be charged with duty and received by stationers, makers of paste-board, or printers or stainers of stained paper on or before the said 10th of October 1836, to be sent into consumption or made use of after the said 10th of October at the reduced rate of duty ;—

It is Enacted,

XI. That it shall be lawful for any maker of paper who shall sell or send out to any stationer, maker of paste-board, or printer or stainer of stained paper, any paper or paste-board of the first class, or any glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board which shall be charged with duty before the said 10th of October, to give notice to the officer of Excise under whose survey he shall be, that he intends to send out such paper, pasteboard, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board, with a certificate for enabling the person to whom the same is to be sent, describing such person in such notice, to obtain a remission of the duty thereon, and requiring such officer to attend and take an account of the same, at a time to be mentioned in such notice, not being less than six hours from giving the same ; and the officer of Excise receiving such notice shall attend at the time mentioned therein, and such maker of paper shall produce to such officer of Excise all the said paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board so intended to be sent out, duly tied up in reams or bundles, and labelled and charged with duty, and also a certificate signed by such maker or his chief workman in form following ; (that is to say,)

Quarter 1836.

Rounds 1836.

Collection.

Division.

'THIS is to certify, That A.B., Maker of Paper, herewith sends from his Mill, N° at
'to C. D., Stationer [or Paste-board Maker or Paper Stainer, as the Case may be,] at Reams [or Bundles]
'of weighing , and that the same were charged with Duty at the Rate of
'per Pound or per Hundred Weight on the Day of One thousand
'eight hundred and thirty-six, the Particulars of the Numbers and estimated Weight as under. Dated this
'Day of One thousand eight hundred and thirty-six.

' Progressive N°.

' Estimated Weight

' (Signed) A.B., Paper Maker.'

And the said officer of Excise having examined and taken an account of the said paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board, and ascertained that the same corresponds in all particulars with the said certificate and is in all respects correct, shall sign the said certificate, and make entry thereof in his survey book, and such certificate shall then be transmitted with the said paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board to the stationer, maker of paste-board, or printer or stainer of stained paper to whom such paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board is to be removed, and on all such paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, and scale-board which shall be so removed with certificate, and which shall after the said 10th of October 1836 be produced to the officers of Excise, it shall be lawful for the Commissioners of Excise to allow a remission of the duty under the regulations of this Act to the extent of the difference between the duty charged and the reduced amount of duty hereafter payable under this Act.

XII. That every maker of paper shall at the time of producing such certificate to the officer of Excise also produce and deliver to him a sample sheet of the paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board, intended to be removed with such certificate, which sample the said officer shall receive, and enter thereon the particulars of the certificate, and retain the same in his possession, to be disposed of as the Commissioners of Excise shall direct, and if such officer shall have any doubt of such sample being a true sample it shall be lawful for him to open any ream or bundle and examine and compare such sample with the contents of such ream or bundle.

XIII. That the stationer, maker of paste-board, or printer or stainer of stained paper by whom any such paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board shall be received with certificate as aforesaid, shall keep the same in his stock separate and apart from all other paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board, with the wrappers unopened (except as hereinafter provided), and free to the inspection of any officer of Excise until after the said 10th of October 1836: Provided always, that in case any stationer, maker of pasteboard, or printer or stainer of stained paper shall require to sell or make use of any such paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board before the said 10th of October, it shall be lawful for him so to do, and in such case such stationer, maker of paste-board, or printer or stainer of stained paper shall specify on the certificate received with such paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board the particular ream or reams or bundle or bundles sold, opened, or made use of.

XIV. That every stationer, maker of paste-board, or printer or stainer of stained paper, who shall be desirous of obtaining the said remission of duty on any such paper, pasteboard, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board in his possession, shall, after the said 10th of October 1836, make application for the same, if within the limits of the chief office of Excise to the Commissioners of Excise, and out of the said limits to the Supervisor of Excise of the district, and every such application shall be in the form following ; (that is to say,)

' I C.D., Stationer, [or Paste-board Maker or Paper Stainer, as the Case may be,] do claim an Allowance of
per Pound [or per Hundred Weight] on Reams [or Bundles] of weighing

'Pounds [or Hundred Weights], Amount		; and I do declare the said	Reams [or Bundles]
'to be	Reams [or Bundles] [or Part of	Reams or Bundles] of	received
'by me on the	Day of	from the Mill of A. B., Paper Maker, at	with a
'Certificate bearing Date the	Day of		

'(Signed) C. D.'

And the officers of Excise appointed for that purpose by the Commissioners of Excise within the limits of the chief office of Excise, and the Supervisors of Excise to whom such application shall be made out of the said limits, shall attend at the respective houses or premises of the stationers, makers of paste-board, or printers or stainers of stained paper making such applications, and every such stationer, maker of pasteboard, or printer or stainer of stained paper shall produce to the officer or supervisor so attending all the paper, pasteboard, glazed paper, sheathing paper, button paper, button-board, mill-board and scale-board in respect of which the allowance shall be claimed, and the certificates received with the same; and every such officer and supervisor shall examine all the paper, pasteboard, glazed paper, sheathing paper, button paper, button-board, mill-board, and scale-board so produced, and shall weigh and take an account of the same, and shall compare the same with the certificates produced; and if on such examination and compare such officer or supervisor shall be satisfied that the paper, pasteboard, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board produced is the same which was received with the certificates, such officer or supervisor shall make out and deliver to the stationer, maker of paste-board, or printer or stainer of stained paper claiming the allowance, a certificate in such form and with such particulars as the Commissioners of Excise shall direct, setting forth that such stationer, maker of paste-board, or printer or stainer of stained paper is entitled to the allowance on the number of pounds or hundred weight weighed and ascertained by such officer or Supervisor to be paid to such stationer, maker of paste-board, or printer or stainer of stained paper by the Commissioners or Collector of Excise, and the officer or supervisor giving such certificate shall take into his custody and possession all the certificates produced to him, and shall dispose of the same in such manner as the Commissioners of Excise shall direct.

And after reciting that the duties on paper are not payable by the makers of paper until several weeks after the same are charged, whereby a loss may arise to the revenue if all such allowances were to be paid immediately after the 10th day of October:—

It is Enacted,

xv. That the officers and supervisors of Excise in making out the said certificates given for the receiving of the said allowances shall specify therein the time when the paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board in respect of which such allowance shall be claimed respectively shall have been charged with duty, and also the time when each amount of allowance shall be payable, such time being not less than twelve weeks after the date of the charge of duty; and if any maker of paper who shall have sent out any paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board, with certificate as aforesaid, shall fail to pay the duty charged thereon, so that the same shall be lost to His Majesty, the stationer, maker of paste-board, or printer or stainer of stained paper, to whom such paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board shall have been sent shall not be entitled to receive the allowance thereon.

xvi. That if any stationer, maker of paste-board, or printer or stainer of stained paper shall receive any paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board under any false or untrue certificate, or shall produce to any officer of Excise any false or untrue certificate, or any paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board not entitled to the allowance, in order to claim an allowance thereon, or shall by any deceit, art, or contrivance fraudulently obtain or attempt to obtain any allowance to which such party shall not be entitled, or to a greater amount than he ought to receive, every such stationer, maker of paste-board, or printer or stainer of stained paper shall forfeit all the paper, paste-board, glazed paper, sheathing paper, button paper, button-board, mill-board, or scale-board produced by him, with all allowances claimed by him, and 500*l*.

xvii. That all paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board, (except scale-board made from wood,) of whatever materials made, and whether made by the materials being reduced to pulp and moulded or by being pressed or otherwise manufactured, shall be deemed and taken to be paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board within the meaning of this Act and the Acts for securing the duties of Excise on paper, and shall be charged with duty accordingly; and the makers thereof shall and are hereby declared to be subject and liable to all the laws, enactments, rules, and regulations, fines, penalties, and forfeitures, in force to which makers of paper, glazed paper, sheathing paper, button paper, button-board, mill-board, paste-board, and scale-board are subject and liable under the laws of Excise: Provided always, that until the 11th of October 1838 nothing herein contained shall extend to subject to a duty or to any regulations of the Excise on any goods, wares, or articles manufactured under a patent bearing date the 14th of February, in the third year of the reign of His present Majesty granted to Thomas Robertson Williams Esquire, late of Norfolk Street, Strand, for securing to the said Thomas Robertson Williams and his assigns the benefit of an invention, as set forth in the said patent, of a new combination of fibrous materials, forming by means of machinery artificial skins which may be applied to the purposes for which skins, leather, vellum, and parchment are used, and which patent is now by assignment vested in Charles Stanbridge and William Forbes Marshall of the parish of St. Luke's in the county of Middlesex.

xviii. That this Act may be repealed, altered, or amended by any Act to be passed in this present session of Parliament.

CAP. LIII.

AN Act for enabling His Majesty to grant Admiralty Jurisdiction to the Court of Judicature of *Prince of Wales's Island, Singapore, and Malacca.*

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Admiralty jurisdiction existing at Fort William extended to Prince of Wales's Island, &c.*
2. *By whom the warrant to be countersigned.*

By this Act,

After reciting that it is expedient that His Majesty's Court of Judicature of Prince of Wales's Island, Singapore, and Malacca should have jurisdiction as a Court of Admiralty;—

It is Enacted,

I. That it shall and may be lawful for His Majesty, by charter or letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to grant and commit to the said Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, powers and authorities for the exercise of Admiralty jurisdiction to the same extent in all respects as His Majesty's Supreme Court of Judicature at Fort William in Bengal is now by virtue of any charter or Acts of Parliament authorized to exercise any Admiralty jurisdiction.

II. That when it shall please His Majesty to issue any charter or letters patent by virtue of this Act, the warrant for such charter or letters patent shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

CAP. LIV.

AN ACT to consolidate and amend the Laws relating to the Conveyance of Newspapers by the Post.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of so much of certain Acts as relates to the conveyance of newspapers by the Post.—Exceptions.*
2. *Newspapers sent by the General Post within the United Kingdom to go free.*
3. *Newspapers sent by the General Post, and delivered by the Penny or Two-penny Post, and vice versa, to go free.*
4. *Newspapers sent by Two-penny Post only to pay 1d.;—and may be sent within post towns at the like rate.*
5. *Newspapers sent from the United Kingdom by packets to the colonies to go free.—Newspapers sent by packets from the colonies to the United Kingdom to go free.*
6. *Newspapers may be sent from one colony to another colony, via the United Kingdom, by packet boat, free.*
7. *Newspapers sent from the United Kingdom to the colonies by private ships, to pay 1d.*
8. *Newspapers brought into the United Kingdom from the colonies by private ships to pay 1d.*
9. *Newspapers to or from foreign countries to pay 2d.*
10. *In case satisfactory proof is given that any foreign state receives or sends newspapers to or from the United Kingdom free of duty, then no duty to be charged on newspapers to or from such states if by packet boat;—or if by other vessels then only 1d.*
11. *1d. to be paid masters of private ships for each newspaper.*
12. *Postmaster General, notwithstanding any postage charged on newspapers by foreign states, may send newspapers to any such state by packets free of duty, and by private ships for 1d. each, and may receive and deliver newspapers sent from any such foreign state by packets free, and by private ships at 1d. each;—or charge an equivalent duty on such newspapers.*
13. *Power for the Postmaster General again to impose the said rates of 2d.*
14. *Power to extend the provisions of this Act to newspapers sent from or to any of the colonies to or from any foreign kingdom or state, via the United Kingdom.*
15. *Newspapers to be sent without cover or in open cover.*
16. *No writing or marks other than the name and address allowed.*
17. *To be put into Post Office within seven days after date, if going out of the United Kingdom.*
18. *Power for the Postmaster General to search, &c.;—and to charge treble postage, &c.*
19. *Sender to be liable to treble duty on attempt to evade the duty of postage.*
20. *Postmaster General to regulate the time of delivery.*
21. *Not compulsory to send newspapers through the Post.*
22. *Newspapers re-directed to be forwarded free of postage if not opened.*
23. *Application of monies.*

24. *Recovery of sums under 20l.*
 25. *Explanatory clause.*
 26. *Disputes to be referred to the Postmaster General.*
 27. *Limitation of actions.*
 28. *Act may be altered, &c.*

By this Act,

After reciting that the laws now in force relating to the conveyance of newspapers by the Post are contained in various Acts of Parliament passed in a series of years, and that it is expedient that the same should be consolidated and amended:—

It is Enacted,

I. That so much of 4 Geo. 3. c. 24, 9 Geo. 3. c. 35, 24 Geo. 3. c. 6, 35 Geo. 3. c. 53, 42 Geo. 3. c. 63, 45 Geo. 3. c. 11, 59 Geo. 3. c. 111, 6 Geo. 4. c. 68, 7 & 8 Geo. 4. c. 21, 4 & 5 Will. 4. c. 44, and 5 & 6 Will. 4. c. 25, as relates to the conveyance of newspapers by the post, shall from and after the passing of this Act be repealed, except so far as the same may repeal the whole or any part of any other Acts, and except so far as respects any sums of money, arrears of duties, fines, penalties, forfeitures, matters, or things which at any time before the passing of this Act shall have become due or owing or recoverable, or been had, made, or done under or by virtue or in pursuance of any of the said Acts hereinbefore referred to, or any of the powers or authorities therein contained; and all which sums of money, arrears of duties, fines, penalties, matters, and things shall and may be had, sued for, recovered, received, and dealt with as if this Act had not been passed; anything heretofore contained to the contrary thereof in anywise notwithstanding.

II. That from and after the passing of this Act all printed newspapers liable to the stamp duty and duly stamped shall and may be sent by the General Post to and from any post towns and places within the United Kingdom free of the duty of postage.

III. That every printed newspaper liable to the stamp duty and duly stamped addressed to any person within the United Kingdom, originally sent by the General Post from one post town to another post town within the United Kingdom, and directed to places beyond the delivery of the General Post, and afterwards delivered by the Penny or Twopenny Post of any city, town, or place to which the same shall be sent, and also every such newspaper originally sent by the Penny or Twopenny Post of any city, town, or place within the United Kingdom, and afterwards passing through the General Post from one post town to another post town within the United Kingdom, shall be delivered to the person or persons to whom the same shall be addressed, within the said United Kingdom, free from all duty of postage whatsoever, as well in respect of the said General as of the said Penny or Twopenny Post.

And after reciting that it is expedient to authorize the conveyance of newspapers by the Twopenny Post at a reduced rate of postage;—

It is Enacted,

IV. That all printed newspapers liable to the stamp duty and duly stamped which shall not have passed or be intended to pass through the General Post, shall and may be sent by the Penny or Twopenny Post of any city, town, or place within the United Kingdom at the rate of 1d. each; and that all printed newspapers liable to the stamp duty and duly stamped, put into the Post Office or any General Post receiving-house of any post town or place within the United Kingdom, addressed to any person within the limits of the same town or place or the suburbs thereof, shall and may be sent and conveyed within such town or place at the like rate of 1d. each; and the said respective rates shall and may be demanded, had, received, and taken by the Postmaster General, his deputy and deputies, to and for the use of His Majesty, his heirs and successors accordingly.

V. That it shall and may be lawful to and for His Majesty's Postmaster General, and his deputy and deputies, in the United Kingdom, to receive at any post office printed newspapers liable to the stamp duty and duly stamped for conveyance by packet boats from the United Kingdom to any of His Majesty's colonies and possessions beyond the seas, and to forward and convey the same accordingly free of the duty of postage; and for His Majesty's Postmaster General, and his deputy and deputies, in His Majesty's colonies and possessions beyond the seas, to receive newspapers printed and published within such colonies or possessions for conveyance by packet boats to the United Kingdom, and to deliver the same by the Post within the United Kingdom free of the duty of postage.

VI. That it shall be lawful to and for His Majesty's Postmaster General, and his deputy and deputies, in any of His Majesty's colonies and possessions beyond the seas, to receive newspapers printed and published within such colonies or possessions for conveyance by packet boats, directed to any person or place within any other of His Majesty's colonies or possessions beyond the seas, to pass through the United Kingdom, and the same shall be forwarded and conveyed accordingly free of the duty of postage.

VII. That it shall and may be lawful for His Majesty's Postmaster General, and his deputy and deputies, in the United Kingdom, to receive at any post office printed newspapers liable to the stamp duty and duly stamped, directed to places within any of His Majesty's colonies and possessions beyond the seas, and to forward the same by any ships or vessels that he in his discretion may think fit (not being packet boats), and to demand, have, receive, and take for every newspaper which shall be delivered to him or his deputies for conveyance in manner last aforesaid the sum of 1d.

VIII. That it shall be lawful for His Majesty's Postmaster General, and his deputy and deputies, for the use of His Majesty, his heirs and successors, to demand, have, receive, and take for the conveyance of every newspaper printed within His Majesty's colonies or possessions beyond the seas, and brought into the United Kingdom by any ship or vessel (other than a packet boat), and delivered by the commander of any such ship or vessel at any post office, the sum of 1d. on delivery thereof within the United Kingdom to the person to whom the same shall be addressed.

IX. That it shall and may be lawful for His Majesty's Postmaster General and his deputy and deputies, in the United Kingdom, to receive at any post office printed newspapers liable to the stamp duty and duly stamped for conveyance by packet boats, or by any ship or vessel other than a packet boat, from the United Kingdom to any port out of the United Kingdom other than His Majesty's colonies and possessions beyond the seas), and to demand, have, receive, and take for the conveyance of every such newspaper to any foreign port the sum of 2d., to be paid when the same shall be put into the Post Office; and also to demand, have, receive, and take for every newspaper printed in any kingdom or state beyond the seas (other than His Majesty's colonies and possessions), and brought into the United Kingdom by packet boats, or by any ship or vessel other than a packet boat, and delivered by the commander of any such last-mentioned ship or vessel at any post office within the United Kingdom, (if printed in the language of the foreign kingdom or state from which the same shall be forwarded, but not otherwise), the sum of 2d., on delivery thereof to the person to whom the same shall be addressed, over and above and in addition to any postage charged thereon by any foreign post office.

X. That in case satisfactory proof shall be laid before the Postmaster General that newspapers printed and published within the United Kingdom, addressed to any person or place within any foreign kingdom or state are allowed to pass by the post within any such foreign kingdom or state free of postage, and also that newspapers addressed to any person or place in the United Kingdom from any such foreign kingdom or state are allowed to pass by the post within such foreign kingdom or state free of postage, it shall be lawful for the said Postmaster General and his deputy and deputies, after such satisfactory proof shall be so laid before him, to receive at any post office printed newspapers liable to the stamp duty and duly stamped, addressed to any person or place in any such foreign kingdom or state, for conveyance by packet boats from the United Kingdom to any port out of the United Kingdom other than His Majesty's colonies and possessions, and to forward the same accordingly free from the duty of postage; and also to receive from any such foreign kingdom or state printed newspapers sent by packet boats, addressed to any person or place within the United Kingdom, and deliver the same free from the duty of postage (provided that such newspapers be printed in the language of the foreign kingdom or state from which the same shall be forwarded, but not otherwise); and also to receive at any post office printed newspapers liable to the stamp duty and duly stamped, for conveyance by ships or vessels, other than packet boats, to any port out of the United Kingdom other than His Majesty's colonies and possessions, and to forward the same accordingly, and to demand, have, receive, and take for every newspaper which shall be delivered to him, or his deputy or deputies, for conveyance in manner last aforesaid, the sum of 1d. only, to be paid when the same shall be put into the Post Office; and also to demand, have, receive, and take for every newspaper printed in any kingdom or state beyond the seas (other than His Majesty's colonies and possessions), and brought into the United Kingdom by any ship or vessel other than a packet boat, and delivered by the commander of any ship or vessel at any port within the United Kingdom (if printed in the language of the foreign kingdom or state from which the same shall be forwarded, but not otherwise), the sum of 1d. only, on delivery thereof within the United Kingdom to the person to whom the same shall be addressed.

XI. That it shall be lawful for the Postmaster General to allow and pay the masters and commanders of ships and vessels, other than packet boats, the sum of 1d. on every printed newspaper which shall be brought into the United Kingdom from any port or place out of the United Kingdom under the provisions of this Act, and be delivered by them at the Post Office of the port town at which they shall touch or arrive, and the like sum of 1d. on every printed newspaper which shall be delivered by the Postmaster General or his deputies to any such masters or commanders for conveyance to any port or place out of the United Kingdom under the provisions of this Act.

XII. That notwithstanding the several enactments hereinbefore contained, and notwithstanding any rate of postage which may be payable within any foreign kingdom or state on newspapers sent to or received from the United Kingdom, it shall and may be lawful for the Postmaster General, and his deputy and deputies, in the United Kingdom, in such cases as the Postmaster General, with the consent of the Lords Commissioners of His Majesty's Treasury or any three or more of them, signified by writing under their hands, or under the hand of any one of the Secretaries or Assistant Secretaries to the Treasury for the time being, shall deem expedient, to forward printed newspapers liable to the stamp duty, and duly stamped, addressed to any such foreign kingdom or state, from the United Kingdom to any foreign port by packet boat free from any duty of postage, and by any ship or vessel other than a packet boat at the aforesaid rate of 1d. each, and to receive from any such foreign kingdom or state printed newspapers addressed to any person or place within the United Kingdom, and deliver the same (if sent by packet boat) free from the duty of postage, and if sent by any ship or vessel other than a packet boat, then at the aforesaid rate of 1d. each; provided such last-mentioned newspapers be printed in the language of the foreign kingdom or state from which the same shall be forwarded; or in any of the said cases, at the option of the Postmaster General, to demand, receive, and take for every newspaper so forwarded to or received from any foreign kingdom or state in which any postage shall be payable on newspapers sent to or received from the United Kingdom, and whether sent by packet boat or by any ship or vessel other than a packet boat, such a rate or rates of postage as the Postmaster General shall or may, with such consent as aforesaid, consider equal in amount or equivalent to the rate or rates of postage from time to time payable within any such foreign kingdom or state on newspapers sent to or received from the United Kingdom, and to be (in case such newspapers shall be sent by any ship or vessel other than a packet boat) in addition to the aforesaid rate of 1d. chargeable on each such newspaper.

And after reciting that circumstances may arise which may render it expedient again to impose and demand the said respective rates of 2d. hereinbefore granted after the same or some part thereof shall have ceased to be demanded by the Postmaster General;—

It is Enacted,

XIII. That it shall be lawful for His Majesty's Postmaster General, by and with the consent of the Lords Commissioners of His Majesty's Treasury or any three or more of them, signified as aforesaid, at any time after any of the respective rates of 2d. payable on newspapers sent or brought to or from the United Kingdom from or to any foreign kingdom or state by packet boats, or sent or brought to or from the United Kingdom from or to any foreign kingdom or state by any ships or vessels not being packet boats as aforesaid, or any part thereof, shall have ceased to be demanded by the Postmaster General, again to

impose, demand, and receive the said respective rates of *2d.* for the conveyance of any such printed newspaper to any foreign port by packet boat or other ship or vessel as aforesaid, and on the delivery of any such printed newspaper brought from any foreign kingdom or state by packet boat or other ship or vessel, whenever it shall be deemed expedient so to do.

XIV. That it shall be lawful for His Majesty's Postmaster General in his discretion, with the consent of the Lords Commissioners of His Majesty's Treasury or any three or more of them, signified by writing under their hands, or under the hand of any one of the secretaries or assistant secretaries to the Treasury for the time being, to extend all and every the provisions, exemptions, clauses, duties, payments, penalties, forfeitures, regulations, and enactments, matters, and things in this Act contained or referred to relative to newspapers, and to or from the United Kingdom from or to any foreign kingdom or state, to newspapers printed and published in any of His Majesty's colonies or possessions beyond the seas, and sent through the United Kingdom to any foreign kingdom or state, and to newspapers printed and published in any foreign kingdom or state, and sent through the United Kingdom to any of His Majesty's colonies and possessions beyond the seas; anything to the contrary thereof in anywise notwithstanding.

XV. That no newspaper shall be sent by the post under the provisions of this present Act unless every such newspaper shall be sent without a cover, or in a cover open at the sides, so that the same may be duly examined.

XVI. That no words or communication shall be printed on any such newspaper after the same shall have been published, nor any writing or any marks be put or placed upon any such newspaper or the cover thereof, nor any printed words or communication be put or placed on the cover thereof, other than the name and address of the person to whom it is sent, and no letter, paper, or thing shall be enclosed or concealed in or with such printed paper or the cover thereof.

XVII. That every printed newspaper to be sent out of the United Kingdom under the provisions of this Act, shall in all cases be put into a post office or receiving-house in the United Kingdom within seven days next after the day on which the same shall be published (the day of publication to be ascertained by the date of such paper); and in case any such paper shall be put into any post office at any time after the expiration of such seven days it shall and may be lawful for His Majesty's Postmaster General, or his deputy or deputies, at his or their discretion, either to detain any such paper, or to forward the same by the post charged with the full duty of letter postage according to the rates now established by law.

XVIII. That it shall be lawful for His Majesty's Postmaster General and his deputy or deputies, and any officers of the Post Office employed under him or them respectively, to examine and search any printed newspaper which under the provisions of this Act shall be sent by the post without a cover, or in a cover open at the sides as aforesaid, in order to discover whether any words or communication have or has been printed on such paper after the same was published, or whether there is any writing or mark upon such printed newspaper or the cover thereof, or any printed words or communication on the cover thereof, other than the name and address of the person to whom it is sent, or whether there is any paper or thing enclosed or concealed in or with such printed newspaper or the cover thereof, and also to ascertain in what language any newspaper brought into the United Kingdom from any foreign kingdom or state shall be printed, and also in order to discover whether newspapers printed and posted in the United Kingdom are duly stamped; and in case any words or communication shall be found to have been printed on any such paper after the same was published, or any writing or mark shall be found on any such printed paper or the cover thereof, or any printed words or communication shall be found on the cover thereof, other than the name and address of the person to whom it is sent, or any other paper or thing shall be found to be enclosed or concealed in or with such printed paper or the cover thereof as aforesaid, the whole of every such newspaper addressed and delivered to any person within the United Kingdom shall be charged with treble the duty of letter postage according to the rates now established by law; and as to every such paper going out of the United Kingdom it shall be lawful for the Postmaster General or his deputy or deputies, at his or their discretion, either to detain any such paper, or to forward the same by the post charged with treble the duty of letter postage; and in case any newspaper printed and posted in the United Kingdom, and sent by the post under the provisions of this Act, shall appear not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps either at London or Dublin, as the case may be.

And in order to prevent frauds on the revenue of the Post Office,—

It is Enacted,

XIX. That if any person shall inclose or conceal, or cause or procure to be inclosed or concealed, in any newspaper sent or to be sent by the post any letter, paper, or thing, or shall print or cause to be printed any words or communication upon any such newspaper after the same shall have been published, or upon the cover thereof, or put or place, or cause to be put or placed, any writing or marks upon any such newspaper or the cover thereof, other than the name and address of the person to whom it is sent, or shall knowingly send or cause to be sent by the post, or tender or deliver in order to be sent by the post, any newspaper having inclosed or concealed therein any letter, paper, or thing, or having any words or communication printed on such paper after the same was published, or on the cover thereof, or having any writing or marks upon such newspaper or the cover thereof, other than the name and address of the person to whom it is sent, every person so offending shall forfeit and pay to His Majesty, his heirs and successors, such a sum of money as will be equal to treble the duty of letter postage which, according to the rates established by law for the conveyance of letters by the post, would have been payable on such newspaper or packet in case the same had been a letter sent by the post, which treble duty shall be recovered and recoverable, with costs, in the same manner as any sums due for postage not exceeding *20l.* are hereinafter directed to be recovered, or such person shall at the option of the Postmaster General, be prosecuted for a misdemeanour.

XX. That all printed papers to be conveyed by the post under the provisions of this Act shall be delivered to the Postmaster General or his deputy or deputies at such hours in the day and under all such regulations as the Postmaster General shall, in his discretion, from time to time appoint.

XXI. That nothing herein contained shall be construed to oblige any person or persons to send any printed newspapers

through His Majesty's Post Office, but that it shall and may be lawful for all persons to send any such printed newspapers in any manner they may find practicable or convenient.

xxii. That in case any person to whom any printed newspaper brought into the United Kingdom under the provisions of this Act shall be directed shall have removed from or quitted the place to which such newspaper shall be addressed prior to the delivery thereof at such place, any such newspaper, on arriving or delivery at the place of its address, shall and may (provided the same shall not have been opened or used, but not otherwise,) be redirected and forwarded by the post to such person at any other place within the United Kingdom free of any charge for such extra conveyance; but if any such newspaper shall have been opened or used, the same shall on re-direction be charged and chargeable with the rate of a single letter from the place at which such newspaper shall be re-directed or re-posted to the place at which it shall be ultimately delivered.

xxiii. That the several rates and duties hereinbefore granted shall be paid from time to time into the hands of the Receiver General for the time being in England and Ireland of the revenue of the Post Office, who shall pay the same (the necessary charges for collecting, paying, and accounting for the same being first deducted,) into the receipt of His Majesty's Exchequer on such days and times and in such manner as the rates and duties of postage, by any Acts or Acts in force at or immediately before the passing of this Act, are directed to be paid; and the said duties so to be paid into the said receipt as aforesaid shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

xxiv. That all sums of money, not exceeding 20*l.*, which shall be due from any person in Great Britain or Ireland under this Act for the postage of any newspaper or packet, or which shall be due from any deputy, agent, or letter carrier in Great Britain or Ireland for the post of any newspapers or packets to him intrusted for delivery under the authority of the Postmaster General, or from any other person or persons employed or to be employed in receiving or collecting the postage of newspapers and packets payable under the provisions of this Act, shall and may be recovered and recoverable, by distress or otherwise, in like manner in all respects as in and by the said recited Act, 5 & 6 Will. 4, is provided for the recovery of sums of money not exceeding 20*l.* due or owing to the revenue of the Post Office.

xxv. That wherever the term "Postmaster General" occurs in this Act, the same shall be construed to mean and include the Postmaster General for the time being; and that wherever the term "Officer of the Post Office" occurs in this Act, the same shall be construed to mean and include any deputy, agent, officer, clerk, letter carrier, or other person employed by or under the Post Office, whatever may be his particular office or employment; and that wherever the term "packet boat" occurs in this Act, the same shall be construed to include any ship or vessel by which the Postmaster General shall contract or agree or have contracted or agreed for the conveyance of mails of letters, as well as packet boats belong to or hired by the Crown; and that wherever the term "His Majesty's colonies and possessions beyond the seas" occurs in this Act, the same shall be construed to include every port and place within the territorial acquisitions now vested in the East India Company in trust for His Majesty, his heirs and successors, the Cape of Good Hope, and the islands of Saint Helena, Guernsey, Jersey, and Isle of Man, as well as His Majesty's other colonies and possessions beyond the seas; and that wherever in this Act, with reference to any person, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include several persons as well as one person, females as well as males, bodies corporate or politic as well as individuals, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

xxvi. That in all cases in which any dispute, controversy, or question shall arise whether any printed paper sent or offered to be sent by the post under the provisions of this Act is to be considered and deemed a newspaper within the intent and meaning of this Act, or whether any such printed paper is entitled to the exemptions and privileges of a newspaper so far as to authorize the transmission of the same by the post free of postage, or subject to such reduced rate of postage as herein provided, the question shall be referred to the judgment and determination of the Postmaster General, whose decision, with the concurrence of any three or more of the Lords Commissioners of His Majesty's Treasury, signified as aforesaid, shall be final and conclusive on all persons whomsoever.

xxvii. That all actions and prosecutions which shall be brought or commenced against any person for anything done in pursuance or under the authority of this Act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards, and shall be brought and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other court or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or if a sufficient sum of money shall have been paid into court after such action commenced by or on behalf of the defendant, the jury shall find a verdict for the defendant; or if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be had shall, at the time of such trial, certify in writing his approbation of the action and of the verdict obtained thereupon.

xxviii. That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LV.—IRELAND.

AN ACT to amend the Laws relating to Loan Societies in *Ireland*.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Loan societies may be formed in Ireland; and such societies may make rules, &c. under restrictions in this Act.—Rules of societies already formed, or to be formed, to be enrolled.
2. A central board to be formed in Dublin, to be called the Loan Fund Board.
3. In case of death or resignation, fresh members to be chosen.
4. Three transcripts of the rules to be submitted to the barrister appointed by the Board, and if conformable to law to be so certified by him.—Fee to barrister not to exceed one guinea at any one time.
5. Barrister not entitled to further fee within three years in respect of the same rules.
6. On refusal of barrister to certify rules, transcript to be submitted to Quarter Sessions, who may certify it.
7. Rules to be certified, transmitted, and enrolled pursuant to 4 & 5 Will. 4. c. 40.
8. Society may appoint officers.
9. Rules to be entered in a book to be kept by the officer of the Society.
10. Property of society vested in trustees.
11. No manager or trustee to receive any remuneration.
12. Treasurer to give security.
13. Amount of loan not to exceed 10*l*.
14. No note or security to be chargeable to stamp duty.
15. Rate of interest to be demanded.
16. Recovery of loan before Justices of the Peace.
17. Societies violating enrolled rules, or the provisions of this Act, to be deprived of the benefits thereof.
18. No clerk or other servant shall receive any present of any description from any borrower.—Penalty 20*l*.
19. No business to be transacted at any hotel or public house, under the fine of 10*l*.
20. Any person advancing money on loan to society may dispose of or transfer the same.
21. Societies for establishing charitable pawn offices, &c. shall cause their rules to be certified.
22. Loans to fishermen.
23. Abstract of accounts to be made out yearly and sent to the Loan Fund Board.
24. Profits shall be applied to charitable purposes.
25. Members, &c. to be competent witnesses.
26. Public Act.

By this ACT,

After reciting that certain institutions for establishing loan funds have been and may be established in Ireland for the benefit and advantage of the industrious classes of His Majesty's subjects; and it being expedient to give protection to the funds of such institutions, and also to afford encouragement to the formation of other institutions of a like kind:—

It is Enacted,

1. That it shall and may be lawful to and for any number of persons in Ireland to form themselves into and to establish a society in Ireland, for the purpose of raising from time to time, by loans from the members of such society or from other persons at a rate of interest not exceeding 6*l*. per cent. per annum, or by donations, a stock or fund for the purpose of granting loans to the industrious classes resident therein, and receiving back payment for the same by instalments, with interest thereon, as hereinafter provided, and to and for the several members of each society from time to time to assemble together, and make, ordain, and constitute such proper and wholesome rules for the better government and guidance of the same as to the major part of the members of such society so assembled together shall seem meet, and to impose such reasonable fines upon the several persons obtaining loans from the funds of any such society who shall offend against such rules as shall be just and necessary for duly enforcing the same, to be respectively paid to such uses for the benefit of such society as the rules shall direct, so as such rules shall not be repugnant to the laws of this realm, nor to any of the express provisions or regulations of this Act, and also from time to time to alter and amend such rules as occasion shall require, or to annul and repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained; and that if any society so to be formed, or any society already formed for the like objects, shall be desirous of having the benefit of this Act, such society, or persons forming or about to form the same, shall cause the rules framed or to be framed for the management of such society, or any alteration or amendment thereof, to be certified, transmitted, and enrolled in manner hereinafter directed, and thereupon shall be deemed and be entitled to and shall have the benefit of the provisions contained in this Act.

11. That for the general controul and superintendence of all loan fund societies established or to be established in Ireland under the authority of this Act, there shall be one permanent Central Board in Dublin, to be denominated "The Loan Fund Board," the members of which shall be chosen by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, and which Board shall have power to inquire into the proceedings of all such societies in order to ascertain whether the rules so to be certified and enrolled as aforesaid have been duly attended to, and that the funds of such societies are applied to the purposes for which the same are intended, and such Board may, where necessary, appoint inspectors and other officers, who shall have power at all reasonable times to inspect the books, accounts, and papers of or belonging to such societies.

III. That in case any of the members of the Board as aforesaid shall happen to die, or be minded and desirous to be discharged from the duties or offices thereof, then that it shall and may be lawful for the Lord Lieutenant or Chief Governor of Ireland for the time being to appoint any other fit and proper person or persons in the room and stead of the person or persons so happening to die, or be minded and desirous to be discharged as aforesaid; and the individual or individuals so chosen as last aforesaid shall from time to time, to all intents and purposes, be as full and efficient to discharge the necessary duties of such Board as the person or persons so happening to die, or be minded and desirous of being discharged from the duties or offices thereof.

IV. That three transcripts, fairly written on paper or parchment, of all rules or of any alteration or amendment thereof made in pursuance of this Act, signed by two members and countersigned by the clerk or secretary, with all convenient speed after the same shall be made, altered, or amended, and so from time to time after every making, altering, or amending thereof, shall be submitted to such barrister as may be appointed by the said Loan Fund Board, which barrister the said Board is hereby authorized and required to appoint for the purpose of ascertaining whether the said rules of such society, or alteration or amendment thereof, are calculated to carry into effect the intention of the parties framing such rules, alterations or amendments, and are in conformity to law and to the provisions of this Act; and that the said barrister shall advise with the said clerk or secretary, if required, and shall give a certificate on each of the said transcripts that the same are in conformity to law and to the provisions of this Act, or point out in what part or parts the said rules are repugnant thereto, and on what grounds and for what reasons they are so repugnant, and how and in what manner they can be made conformable thereto; and that the fee payable to such barrister for advising as aforesaid, and perusing the rules or alterations or amendments of the rules of each respective society, and giving such certificate as aforesaid, and stating such grounds or reasons, or suggesting such alterations as aforesaid, shall not at any one time exceed the sum of 1*l.* 1*s.*, which, together with the expense of conveying the rules to and from the said barrister, shall be defrayed by each society respectively; and one of such transcripts, when certified by the said barrister, shall be returned to the society, and another of such transcripts shall be transmitted by such barrister to the said Loan Fund Board, and the other of such transcripts shall be transmitted to the clerk of the peace for the county wherein such society shall be formed, and by him laid before the Justices for such county at the General Quarter Sessions or adjournment thereof held next after the time when such transcript shall have been so certified and transmitted to him as aforesaid, and in the county of Cork before the Justices at the General Sessions or adjournment thereof which shall be so held in the riding in which such society shall have been formed, and the Justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such transcript shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward; and that all rules, alterations, and amendments thereof, from the time when the same shall be certified by the said barrister, or certified, confirmed, and allowed by the Justices as hereinbefore provided, shall be binding on the several members or officers of the said society, and all other persons having interest therein.

V. Provided, that the said barrister shall be entitled to no further fee for or in respect of any alteration or amendment of any rules upon which one fee has been already paid to the said barrister within the period of three years: Provided also, that if any rules, alterations, or amendments are sent to such barrister accompanied with an affidavit of being a copy of any rules or alterations or amendments of the rules of any other society which shall have been already enrolled under the provisions of this Act, the said barrister shall certify and return the same as aforesaid without being entitled to any fee for such certificate.

VI. Provided, that in case any such barrister shall refuse to certify all or any of the rules so to be submitted for his personal examination, it shall then be lawful for any such society to submit a transcript of the same to the Court of Quarter Sessions, together with the reasons assigned by the said barrister, in writing, for any such rejection or disapproval of any one or more of such rules; and that the Justices at the said Quarter Sessions shall and may, if they think fit, certify, confirm, and allow the same notwithstanding any such rejection or disapproval by any such barrister; and such transcript so certified, confirmed, and allowed shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody without fee or reward, and a copy of such rules so filed shall be forthwith transmitted by such society to said Loan Fund Board.

VII. That all the rules of any society to be entitled to the benefit of this Act shall be certified by a barrister at law, to be appointed by the said Loan Fund Board, and transmitted and enrolled in the same manner as the rules and regulations of any friendly society are required to be certified, transmitted, and enrolled pursuant to the provisions of a certain Act, 4 & 5 Will. 4. c. 40, intituled, 'An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies;' and that all the provisions of the said Act, as well as an Act, 10 Geo. 4, to consolidate and amend the laws relating to friendly societies, as far as the same relate to the certifying, transmitting, and enrolling the rules or any alteration or amendment of the rules of friendly societies, shall be applicable to the certifying, transmitting, and enrolling the rules or any alteration or amendment of the rules of any society to be established under the provisions of this Act; and also that an authenticated copy or transcript of all such rules, or of any alteration or amendment thereof, shall be transmitted by the said society to the said Loan Fund Board within one month after the same shall have been certified as hereinbefore provided.

VIII. That every such loan fund society shall and may from time to time at any of their usual meetings, or by their committee if any such shall be appointed for the society, which committee such society is hereby authorized to appoint, elect and appoint such persons into the offices of trustee, manager, treasurer, officer, clerk, or servant of such society, as they shall think proper and necessary to carry into execution the purposes of such society for such space of time and for such purposes as shall be fixed and established by the rules of such society, and from time to time to elect and appoint others in the room of those who shall vacate, die, or be removed.

IX. That all rules from time to time made and in force for the management of any such society as aforesaid, and duly enrolled, shall be entered in a book or books to be kept by an officer of such society, to be appointed for that purpose, and which book or books shall be open at all seasonable times, at least one day in the week, for the inspection of persons obtaining loans from or granting loans to such society, and such rules and regulations shall be binding on the several members and officers of such society, and on the several persons obtaining loans from or granting loans to the same, and their representatives, as well as those parties who may become the sureties for the repayment of any loan, all of whom shall be deemed and taken to have full

notice thereof by such entry and filing with the clerk of the peace; and the entry of such rules in such book or books as aforesaid, or the transcript thereof filed with the clerk of the peace, or a true copy of such transcript examined with the original, and proved to be a true copy, shall be received as evidence of such rules respectively in all cases; and no certiorari shall be brought or allowed to remove any such rules into any of His Majesty's courts of record; and every copy of any such transcript filed with any clerk of the peace as aforesaid shall be made without fee or reward, except the actual expense of making such copy, and such copy shall not be subject to any stamp duty.

X. That all monies, goods, chattels, and effects whatsoever belonging to such society shall be vested in the trustee or trustees of such society for the time being, for the use and benefit of such society and the respective members thereof, their respective executors and administrators, according to their respective claims and interest, and after the death, resignation, or removal of any trustee or trustees shall vest in the surviving or succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever; and also shall for all purposes of action or suit, as well criminal as civil, in law or equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (where necessary) be stated to be, the property of the person or persons appointed to the office of trustee or trustees of such society for the time being, in his or their proper name or names, without further description; and such person or persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, criminal as well as civil, in law or equity, touching or concerning the property, right of claim aforesaid of such society, and to sue and be sued, plead and be impleaded, in his or their proper name or names, as trustee or trustees of such society, without other description; and no suit, action, or prosecution shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of trustee or trustees as aforesaid, but the same shall and may be proceeded in by the succeeding trustee or trustees in the proper name or names of such person or persons commencing the same, any law, usage, or custom to the contrary notwithstanding; and such succeeding trustee or trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such society.

XI. That no such society as aforesaid shall have the benefit of this Act unless it shall be expressly provided by the rules for the management thereof that no person or persons, being manager or trustee of such society, shall directly or indirectly receive any salary or other remuneration for attendance, or for any other services performed for such society, nor shall any expence be incurred or salary or other allowance made unless such as shall be expressly provided for by the rules of the society, or shall be necessary for the due management of the society according to such rules.

XII. That if any treasurer or other officer or officers, or other person whatsoever, who shall be intrusted with the receipt or custody of any sum or sums of money the property of such society, or any interest or dividend arising from time to time thereby, shall be required by the rules of such society to become bound, with sureties, for the just and faithful execution of such office or trust, in such sum or sums of money as shall be required by the rules of such society, such security shall and may be given by bond or bonds to the clerk of the peace for the county, county of a city, county of a town, or place where such society shall be established for the time being, without fee or reward; and in case of forfeiture it shall be lawful for the trustees of such society to sue upon such bond or bonds in the name of the clerk of the peace for the time being, and to carry on such suit at the costs and charges of and for the use of the said society, fully indemnifying and saving harmless such clerk of the peace from all costs and charges of such suit or suits, or in respect thereof; and no bond or security so to be given shall be subject to or chargeable with any stamp duty whatsoever.

XIII. That it shall not be lawful to and for any such society to make any loan on personal security to any one individual at any one time exceeding in amount the sum of 10*l*.; and that no second or other loan shall be made to the same individual until the previous loan is repaid.

XIV. That no note or other security or undertaking which may be entered into for the repayment of any loan made by any society established under the provisions of this Act, nor any receipt or entry in any book of receipt for money lent or paid, nor any draft or order, nor any appointment of any agent, nor any other instrument or document whatever, required to be given, issued, made, or provided in pursuance of the rules of the society, shall be subject to or chargeable with any stamp duty whatsoever.

XV. That it shall and may be lawful to and for the trustees or managers of any society established under the provisions of this Act to demand and receive from the person to whom any loan may be made, at the time of making the same, the full amount of interest up to the time fixed for payment of the last instalment which would be due on the whole money so advanced, at a rate not exceeding 6*d*. in the pound for twenty weeks, and to receive the amount of the principal by instalments at such time or times and in such proportion or proportions as the said trustees or managers may think fit, and to take a note or security for the whole amount of the loan, the same to be sued for and recovered immediately on failure of the payment of any of the instalments, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts relating to usury.

XVI. That all notes and securities entered into for the payment of such loans shall be made payable to the treasurer or clerk for the time being of the said society; and if the party or parties liable to pay the same shall fail in the payment of any of the instalments, as agreed to by the conditions or terms of the loan, according to the rules of the society, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the county, riding, city, division, or place where such party or parties, or any one of them, so liable, shall or may happen to be or reside, and such Justice is hereby required, upon complaint made by or on behalf of such treasurer or clerk as aforesaid, to summon the person or persons against whom such complaint shall be made to appear either before himself or before the Justices assembled at the petty sessions of the district, and after his, her, or their appearance, or, in default thereof, upon due proof upon oath of such summons having been duly served, such Justice or Justices shall proceed to hear and determine the said complaint, and award such sum to be paid by the person or persons respectively liable to the payment of any such note or security, to such treasurer or clerk as aforesaid, as shall appear to such Justice or Justices to be due thereon, together with such a sum for costs, not exceeding the sum of 2*s*., as to such Justice

or Justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum of money as upon such complaint as aforesaid shall be adjudged, such Justice or Justices shall, by warrant under his or their hand and seal or hands and seals, cause the same to be levied by distress and sale of the goods of the party so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and returning the overplus (if any) to the owner; and so such proceedings shall be removed by certiorari or otherwise into any of His Majesty's superior courts of record.

XVII. That in case it shall appear to the aforesaid Loan Fund Board in Dublin, after due investigation and inquiry, that any of such loan fund societies as aforesaid, or other societies entitled to the benefit of this Act, have not strictly adhered to their rules so enrolled as aforesaid, or that they have applied any of their funds or done any matter or thing contrary to the provisions of this Act, such Loan Fund Board shall cause an advertisement to be inserted to that effect in some county paper circulating in such district, and shall also notify the same to the clerk of the peace with whom the rules may be filed, and after the space of six months after such advertisement has appeared in such paper it shall no longer be lawful for the treasurer, clerk, or other officer of any such society to avail himself of the special provisions of this Act, nor for any Justice or Justices of the Peace to award any sum to be paid to him in consideration of any such note or security as aforesaid.

XVIII. That no clerk, officer, or servant of any loan fund society hereafter to be established in Ireland under the provisions of this Act or entitled to the benefit thereof, shall, directly or indirectly, have, receive, or take any bonus, gratuity, or present from any borrower from such loan fund society; and in case any clerk, officer or servant shall offend herein he shall be liable to a penalty of 20*l.*, to be recovered by the treasurer or clerk for the time being in the same manner as is hereinbefore provided for the recovery of any loan granted by such society; the said penalty, when recovered, to be applied in aid of the funds of such society.

And with a view to economy, and in order to prevent any tendency or disposition to extravagance or dissipation,—

It is Enacted,

XIX. That all and every the affairs and business of any loan fund society to be established in Ireland, or any part thereof, shall on no account or pretence whatever be conducted, carried on, or transacted at any hotel, tavern, public house, beer shop, or house of entertainment; and any clerk or servant respectively of the society who shall offend herein shall forfeit the sum of 10*l.*, to be recovered by the treasurer or clerk for the time being in the same manner as is hereinbefore provided for the recovery of any loan granted by such society; the said penalty, when recovered, to be applied in aid of the funds of the society.

XX. That any person who shall have advanced any sum of money by way of loan to any such loan fund society as aforesaid shall be authorized, and he or they are hereby respectively authorized and allowed, to dispose of and transfer any part or the whole of the amount of the money so advanced by him as aforesaid, and such transfer shall be deemed sufficient by a written order directed to the trustee or trustees of such society for the time being, such order or transfer to be signed by two respectable housekeepers as witnesses; and the person or persons to whom such transfer shall be made as aforesaid shall, as soon as the order or transfer shall be delivered to the trustee or their clerk, stand possessed of and be entitled to the amount of such transfer, together with all interest and benefit, claims and demands whatsoever, arising or to arise or to be derived or to accrue therefrom, as fully and to all intents and purposes as if he or they had been the parties who had originally advanced the sum to such loan fund society; and such transfer, authority, document, or order shall not be liable to any stamp duty or parliamentary imposition whatever.

XXI. That if any society or societies now or hereafter to be formed for the purpose of establishing charitable pawn or deposit offices, at which money may be lent to the industrious poor upon pledge, shall be desirous of having the benefit of this Act, such society or societies shall in like manner cause the rules framed or to be framed for their management respectively to be certified, deposited, and enrolled in manner hereinbefore directed with reference to loan fund societies desiring the benefit of this Act, and thereupon such societies respectively shall be deemed and be entitled to and shall have the benefit of the provisions contained in this Act, so far as the same are applicable to the objects of such charitable pawn or deposit offices.

XXII. That it shall and may be lawful to and for the trustees and managers of any charitable pawn society entitled to the benefit of this Act to lend and advance, upon the security of the boat or other fishing vessel of any poor person or persons resident within the county, county of a city or town, in which the office of such society shall be situated, any sum or sums of money not exceeding in amount one half part of the value of such boat or fishing vessel, although the same shall not be actually deposited or lodged in the stores of such society: Provided always, that every such loan, together with the name and description of the boat or fishing vessel in respect of which the same shall have been made, shall be duly registered in a book to be kept for that purpose by the society advancing such money; and that no sale of any such boat or fishing vessel by the owner thereof shall be valid, unless the principal money and interest then due thereon to any such society shall be first repaid out of the purchase money for the same.

XXIII. That the trustees of every society established under the provisions of this Act, or which may become entitled to the benefit thereof, shall cause an abstract of the accounts of such society for each year to be made out up to and ending the 31st of December, together with a statement of the funds and effects and of the debts or liabilities of such society, and an estimate of the clear net profit or loss up to that period, which abstract, statement, and estimate shall be in such forms, and shall contain such particulars connected with the accounts and transactions of such society, as the said Loan Fund Board shall from time to time direct; and a copy of such abstract, statement, and estimate, duly certified to be correct by the secretary, treasurer, and at least one trustee, shall some time in the month of January in each year be transmitted to the said Loan Fund Board.

XXIV. That the trustees of any such society may from time to time appropriate such portion of the clear net profits, over and above all losses, as they shall think proper, in support of the hospital or infirmary of the county for which or for a portion of which the society shall be established, or for such other local charitable purposes as they shall think fit; the residue, or the

whole of such net profits if no part shall be so appropriated, being employed as part of the funds of the society until the trustees shall otherwise determine: Provided always, that no part of any such net profits, after deducting losses, shall be appropriated in any way for the advantage or benefit of any member of the society, or of the persons managing or conducting the same, or for any purpose whatsoever, except as part of or in aid of the funds of the society, to be used according to the rules of such society, or for charitable purposes as hereinbefore provided; and that in the event of the dissolution of any such society, or that such society shall cease to act for the purposes for which it was established, or shall be deprived of the benefit of this Act, the whole of the clear net profits, not previously appropriated for some charitable purpose, after payment of all debts of or claims on such society, and of all losses, shall be appropriated to such hospital or infirmary or to such other local charitable purpose as the trustees, with the approbation of the Loan Fund Board, shall think proper.

XXV. That on the trial of any action, indictment, or other proceeding respecting the property of any society enrolled under the authority of this Act, or in any proceedings before any Justice of the Peace, any trustee, manager, member, officer, clerk, or servant of such society shall be a competent witness, and shall not be objected to on account of any interest he may have in the result of such action, indictment, or other proceeding.

XXVI. That this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons, without the same being specially shewn or pleaded.

CAP. LVI.

AN ACT for regulating the Process of Cessio bonorum in the Court of Session, and for extending the Jurisdiction of Sheriffs in Scotland to such Cases.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Sheriffs to have jurisdiction as to cessio bonorum, and sheriff clerks and officers to act therein.*
2. *A debtor against whom a warrant to imprison is issued, or who is in prison, &c. may apply for decree of cessio.*
3. *Debtor may present to the sheriff of the county in which he lives a petition praying for decree of cessio.*
4. *Proceedings upon such petition.*
5. *Debtor to undergo examination before sheriff.*
6. *Sheriff, after examination, to decide in cases originating before him.*
7. *Reclaiming petition.*
8. *Review of sheriff's judgments by Court of Session.*
9. *Reclaiming note to be enrolled, and Court to pronounce judgment, &c.*
10. *Lord Ordinary on bills may judge during vacation or Christmas recess, subject to review.*
11. *Proceedings in cases originating in the Court of Session.*
12. *Court of Session may remit to the sheriff, who shall take proceedings thereupon, and report.*
13. *Lord Ordinary on the bills may judge on the report during vacation or Christmas recess.*
14. *Judgment of the Lord Ordinary on the bills subject to review.*
15. *Power to grant interim protection or liberation.*
16. *Decree to operate as an assignation to creditors, or disposition omnium bonorum to be granted.*
17. *Provision where decree refused in hoc statu.*
18. *Dyours habit abolished.—Oath to be taken, and insolvency proved if denied.—Act of 1696, c. 5. in part repealed.*
19. *Regulation of appeals to the House of Lords.*
20. *No fee fund dues on government duties exigible.*
21. *Court of Session agents may practise in sheriff courts.*
22. *Act may be repealed this session.*

By this Act,

After reciting that it is expedient to regulate the process of cessio bonorum in the Court of Session in Scotland, and to extend the jurisdiction of the sheriff to such processes;—

It is Enacted,

I. That after the 1st of October 1836 every sheriff within Scotland shall possess jurisdiction in processes of cessio bonorum brought before him in manner hereinafter provided as fully as in any other action presently by law competent before him, and the sheriff clerk and messengers at arms and all sheriff officers in the several sheriffdoms in Scotland shall have power to act in their respective offices in relation to such processes.

II. That if a debtor has been or shall be charged to pay a civil debt, and a warrant to imprison him has been issued, or if he be liable to imprisonment under a decree of a small debt court, or be in prison or imprisoned and afterwards liberated in respect in these several cases of a civil debt, it shall be competent to such debtor, on or after the said 31st of October, to apply for interim protection and for decree of cessio bonorum in the manner hereinafter provided.

III. That after the said 1st of October such debtor may present to the sheriff of the county in which he has his ordinary domicile a petition, setting forth that he has been charged, and that a warrant to imprison has been issued against

him, or that he is liable to imprisonment under a small debt decree, or that he is in prison, or has been imprisoned and afterwards liberated, in respect of a civil debt; that he is unable to pay his debts, and is ready to surrender his estates for behoof of his creditors, and praying for interim protection against the execution of diligence, and for decree of *cessio bonorum*; in which petition he shall insert a list of all his creditors, specifying their names and designations and places of residence, so far as known to him; and with such petition he shall produce (as the case may be) the schedule of an expired charge, or a copy certified by the clerk of the small debt court, of the warrant on which he is liable to imprisonment, or if he be in prison, or imprisoned and thereafter liberated, a certificate from the keeper of the prison of such imprisonment and the date thereof, and of the liberation.

IV. That on such petition being presented the sheriff shall issue a warrant appointing the debtor to publish a notice in the *Edinburgh Gazette*, intimating that such petition has been presented, and requiring all his creditors to appear in court on a certain day, being not less than thirty days from the date of the Gazette notice, and within five days after the date of such notice to send letters to all the creditors specified in the petition, containing a copy of the said notice (paying the postage thereof), or, in his option, to cite them in terms of law, and which the debtor shall do accordingly, and the sheriff shall further ordain him to appear on the day so appointed for the comparance of the creditors in presence of the sheriff or his substitute for public examination; and the debtor shall, on or before the sixth lawful day prior to the day so appointed, lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the sheriff clerk, together with a copy of the said Gazette, and if the letters have been sent through the Post Office a certificate subscribed by his agent, or by a messenger or sheriff officer and a witness, stating the date and the place where the letters were put into the Post Office, that the postage was paid, and that they were severally addressed as specified in the petition, or an execution subscribed by a messenger or sheriff officer and one witness, of citation of the creditors to whom such letters have not been so sent.

V. That on the said day appointed for the comparance of the creditors the debtor shall appear in public court in presence of the sheriff for examination as to his affairs, and the sheriff shall have power to put him on oath or affirmation (as the case may be), and the debtor shall be bound to answer all pertinent questions put to him by the sheriff, or by any creditor with the approbation of the sheriff, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to answer any such question, or to subscribe his examination, decree of *cessio* shall be refused *in hac statu*; and it shall be competent to the sheriff to adjourn the examination for such time as to him shall appear fit and reasonable.

VI. That the sheriff shall, on such examination being taken, allow a proof to the parties if it shall appear necessary, and hear parties *viâ voce*, and shall make a note of any objections that may be stated on the part of the creditors, and either grant decree or refuse the same *in hac statu*, or grant it, subject to a declaration that it shall not be extractable or available as a protection to the debtor, for such time as shall appear proper, or make such other orders as may be necessary for the due administration of justice: Provided that where the sheriff shall grant decree under such limitation, or refuse decree *in hac statu*, he shall state the grounds of his decision, and the most summary despatch consistent with the forms of court shall be given, and the sheriff's note of the objections shall form part of the process.

VII. That if such decree be pronounced by the sheriff substitute it shall be competent to any person aggrieved to present a reclaiming petition against the same, provided that the petition be lodged within six days from the date of the judgment, and the sheriff substitute shall do therewith as shall be just; and in case the complainant shall intimate his desire in the petition that if the sheriff substitute be disposed to refuse the petition it may be laid before the sheriff, it shall be transmitted to the sheriff, who shall do therein as shall be just.

VIII. That it shall be lawful, either after such reclaiming petition has been disposed of or without presenting such petition, for any person aggrieved to bring the judgments under the review of the Court of Session by lodging with any one of the clerks of that division of the court under whose review he wishes to bring the cause a reclaiming note, having such division marked thereon, reciting the judgment or judgments complained of: Provided always, that the said note shall be lodged within ten days from the date of the judgment or the last of the judgments complained of, unless the judgment be pronounced by the sheriff of Orkney, in which case the reclaiming note shall be lodged within twenty days from the date of the judgment or the last of the judgments as aforesaid; and a copy of the said note shall in all cases be delivered within the said respective periods to the respondent or his known agent, which shall be held to be due service, and a copy thereof, certified by the said clerk of session, shall be a sufficient warrant to the sheriff clerk to transmit to the said clerk the proceedings in the process.

IX. That if the Court of Session be sitting the reclaiming note shall be enrolled as soon as conveniently can be, and the Court shall pronounce judgment, or remit the cause to the sheriff with such instructions as to them shall seem fit, or to the Lord Ordinary on the bills during vacation or during the Christmas recess.

X. That if the Court of Session be not sitting when the reclaiming note has been lodged, the cause shall, as soon as thereafter may be convenient, be transmitted to the bill chamber clerk, and enrolled in a roll to be kept for that purpose in the bill chamber; and the Lord Ordinary on the bills shall, on a day to be specified in that roll, hear parties *viâ voce*, and pronounce judgment as hereinbefore provided; and for the purposes of this Act he shall possess during the vacation and the Christmas recess the powers competent to the inner house during session, but his judgment shall be subject to review in manner herein-after mentioned; and if the proceedings have not been brought to a termination before the Lord Ordinary on the bills at the commencement of the ensuing session, the cause shall be re-transmitted and enrolled before the inner house, which may give judgment therein as if it had been enrolled or had continued without interruption before the inner house.

XI. That where a summons of *cessio bonorum* is raised before the Court of Session the debtor shall publish a notice in the *Edinburgh Gazette*, intimating that the said summons has been raised, specifying in which division of the court it is to be enrolled, and requiring all his creditors to appear within thirty days from the date of the said Gazette notice; and he shall also send letters through the Post Office (paying the postage thereof) to each of the creditors specified in the summons to the same

asset, or, in his option, cite them in terms of law; and on or before the sixth lawful day prior to the expiration of the said thirty days he shall lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the clerk to the process, together with a copy of the said Gazette; and if the letters have been sent through the Post Office he shall produce a certificate subscribed by his agent, or by a messenger or sheriff officer and a witness, stating the date and the place where the letters were put into the Post Office, that the postage was paid, and that they were severally addressed as specified in the summons, or an execution subscribed by a messenger and one witness of citation of the creditors to whom such letters have not been so sent.

XII. That on expiration of the said thirty days the process shall forthwith be enrolled in the rolls of the division of the inner house, specified in the said notice, without the necessity of being called or enrolled in the outer house; and it shall be competent to the inner house to remit to the sheriff of the county in which the debtor's domicile is, to take his examination in presence of his creditors, and for that purpose on a day appointed the debtor shall appear in presence of the sheriff, who shall have power to put him on oath, or affirmation (as the case may be), and the debtor shall be bound to answer all pertinent questions put to him, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to answer any such question, or to subscribe his examination, decree of cessio shall be refused *in hoc statu*; and the sheriff shall thereupon report to the said inner house, who may either grant decree or refuse the same *in hoc statu*, or grant it subject to a declaration that it shall not be extractable or available as a protection to the debtor for such time as shall appear proper, or issue such other orders as may be necessary for the due administration of justice.

XIII. That if the court of session be not sitting at the time when the said report has been made by the sheriff, the cause may be enrolled in a roll to be kept for that purpose in the Bill Chamber, and the Lord Ordinary on the bills shall, on a day to be specified in that roll, hear parties *viduo* and pronounce judgment; and if the court of session be sitting when the report of the said examination is made, but the proceedings cannot be brought to a termination before the expiration of the session, or before the commencement of the Christmas recess, the Inner House may remit the cause to the said Lord Ordinary to proceed therein during vacation or the Christmas recess in the same way as if the cause had been enrolled in the Bill Chamber in manner above provided; and if the proceedings have in any case not been brought to a termination before the Lord Ordinary on the bills at the commencement of the ensuing session, the cause shall be enrolled before the Inner House, which may give judgment therein as if it had been enrolled, or had continued without interruption before the Inner House; and for the purposes of this Act the Lord Ordinary on the bills shall possess, during the vacation and the Christmas recess, the powers competent to the Inner House during session; but his judgment shall be subject to review in manner hereinafter mentioned.

XIV. That it shall be competent for any person aggrieved by any judgment pronounced by the Lord Ordinary on the bills to bring the same under the review of the Inner House by a reclaiming note, provided the note be lodged within ten days after the date of the judgment, and duly intimated to the agent of the respondent, and the Inner House shall proceed with all despatch to hear parties *viduo* thereon, and may give judgment as aforesaid, or issue such other orders as may be necessary for the purposes of justice.

XV. That if the debtor be in prison it shall be competent for the Inner House during session, and for the Lord Ordinary on the bills during the vacation or the Christmas recess, whether the case has been originally instituted in the court of session or before the sheriff (provided that it be under review of the said court), and for the sheriff, where the petition has been presented to and is depending before him on production of a copy of the said Gazette containing the notice aforesaid, and of the certificate of transmission of the letters or execution of citation, to grant warrant to liberate the debtor, and if the debtor is not in prison to grant warrant for his personal protection against the execution of diligence for such space of time as shall be proper; provided that before any such warrant be issued the debtor shall lodge with the clerk of court a bond with a sufficient cautioner, binding themselves that he shall attend all diets of court whenever required under such penalty as may be reasonable, and which, if forfeited, shall be divided among the creditors; and it shall be competent for the Inner House, or the said Lord Ordinary, or the sheriff respectively, in all cases to grant warrant to bring the debtor before them for examination, and also to carry him back to prison; and such warrant, as well as the warrant of liberation and the warrant of personal protection, shall be good and lawful warrants in all parts of Scotland to the effect therein specified; and it shall not be competent, where the warrant of liberation or protection is granted by the Lord Ordinary on the bills or the sheriff to suspend the effect thereof by lodging a reclaiming note or petition complaining of the same: Provided nevertheless, that a reclaiming note or petition may be lodged as hereinbefore provided, and it shall be competent to the Inner House or the sheriff (as the case may be), on hearing parties, to recall the warrant of liberation and protection.

XVI. That the decree pronounced by the Inner House, or by the Lord Ordinary on the bills, or by the sheriff, granting the benefit of cessio bonorum, shall operate as an assignment of the debtor's moveables in favour of any trustee mentioned in the decree for behoof of the creditors: Provided always, that it shall be optional to the creditors to require the debtor to execute a *dispositio omnium bonorum*, as has been hitherto granted in processes of cessio before the court of session, in favour of the trustee, the expense of which deed shall be paid out of the funds thereby conveyed.

XVII. That if the decree of cessio be refused *in hoc statu* either by the court of session or the sheriff, the debtor may at any time thereafter, without the necessity of raising any new summons or presenting any new petition, apply to have decree of cessio pronounced in his favour; and if the decree has, on review by the court of session, been refused *in hoc statu*, the debtor may either apply to that court for decree, or present a new petition to the sheriff, in which latter case proceedings shall take place as if no former petition had been presented, and the debtor shall in all cases of a renewed application give notice thereof in such manner as shall be appointed either by the court of session or sheriff respectively.

XVIII. That it shall not be lawful to ordain the debtor to wear the dyvours habit; and he shall be required to prove his insolvency (if the same shall be denied) as by law presently established; and he shall be bound to make oath or affirmation, in cases before the sheriff as well as in those before the court of session, in the same terms as the oath hitherto administered in processes of cessio in the court of session; and an Act of the Parliament of Scotland, passed in the year 1696, intitled 'An Act for declaring notour Bankrupts,' shall be and is hereby repealed in so far as the said Act bears that "the

him, or that he is liable to imprisonment under a small debt decree, or that he is in prison, or has been imprisoned and afterwards liberated, in respect of a civil debt; that he is unable to pay his debts, and is ready to surrender his estates for behoof of his creditors, and praying for interim protection against the execution of diligence, and for decree of *cessio bonorum*; in which petition he shall insert a list of all his creditors, specifying their names and designations and places of residence, so far as known to him; and with such petition he shall produce (as the case may be) the schedule of an expired charge, or a copy certified by the clerk of the small debt court, of the warrant on which he is liable to imprisonment, or if he be in prison, or imprisoned and thereafter liberated, a certificate from the keeper of the prison of such imprisonment and the date thereof, and of the liberation.

IV. That on such petition being presented the sheriff shall issue a warrant appointing the debtor to publish a notice in the *Edinburgh Gazette*, intimating that such petition has been presented, and requiring all his creditors to appear in court on a certain day, being not less than thirty days from the date of the Gazette notice, and within five days after the date of such notice to send letters to all the creditors specified in the petition, containing a copy of the said notice (paying the postage thereof), or, in his option, to cite them in terms of law, and which the debtor shall do accordingly, and the sheriff shall further ordain him to appear on the day so appointed for the comparance of the creditors in presence of the sheriff or his substitute for public examination; and the debtor shall, on or before the sixth lawful day prior to the day so appointed, lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the sheriff clerk, together with a copy of the said Gazette, and if the letters have been sent through the Post Office a certificate subscribed by his agent, or by a messenger or sheriff officer and a witness, stating the date and the place where the letters were put into the Post Office, that the postage was paid, and that they were severally addressed as specified in the petition, or an execution subscribed by a messenger or sheriff officer and one witness, of citation of the creditors to whom such letters have not been so sent.

V. That on the said day appointed for the comparance of the creditors the debtor shall appear in public court in presence of the sheriff for examination as to his affairs, and the sheriff shall have power to put him on oath or affirmation (as the case may be), and the debtor shall be bound to answer all pertinent questions put to him by the sheriff, or by any creditor with the approbation of the sheriff, under certification that if, without lawful cause, he refuse to be put on oath or affirmation, or to answer any such question, or to subscribe his examination, decree of *cessio* shall be refused in *hac statu*; and it shall be competent to the sheriff to adjourn the examination for such time as to him shall appear fit and reasonable.

VI. That the sheriff shall, on such examination being taken, allow a proof to the parties if it shall appear necessary, and hear parties *viâ voce*, and shall make a note of any objections that may be stated on the part of the creditors, and either grant decree or refuse the same in *hac statu*, or grant it, subject to a declaration that it shall not be extractable or available as a protection to the debtor, for such time as shall appear proper, or make such other orders as may be necessary for the due administration of justice: Provided that where the sheriff shall grant decree under such limitation, or refuse decree in *hac statu*, he shall state the grounds of his decision, and the most summary despatch consistent with the forms of court shall be given, and the sheriff's note of the objections shall form part of the process.

VII. That if such decree be pronounced by the sheriff substitute it shall be competent to any person aggrieved to present a reclaiming petition against the same, provided that the petition be lodged within six days from the date of the judgment, and the sheriff substitute shall do therewith as shall be just; and in case the complainant shall intimate his desire in the petition that if the sheriff substitute be disposed to refuse the petition it may be laid before the sheriff, it shall be transmitted to the sheriff, who shall do therein as shall be just.

VIII. That it shall be lawful, either after such reclaiming petition has been disposed of or without presenting such petition, for any person aggrieved to bring the judgments under the review of the Court of Session by lodging with any one of the clerks of that division of the court under whose review he wishes to bring the cause a reclaiming note, having such division marked thereon, reciting the judgment or judgments complained of: Provided always, that the said note shall be lodged within ten days from the date of the judgment or the last of the judgments complained of, unless the judgment be pronounced by the sheriff of Orkney, in which case the reclaiming note shall be lodged within twenty days from the date of the judgment or the last of the judgments as aforesaid; and a copy of the said note shall in all cases be delivered within the said respective periods to the respondent or his known agent, which shall be held to be due service, and a copy thereof, certified by the said clerk of session, shall be a sufficient warrant to the sheriff clerk to transmit to the said clerk the proceedings in the process.

IX. That if the Court of Session be sitting the reclaiming note shall be enrolled as soon as conveniently can be, and the Court shall pronounce judgment, or remit the cause to the sheriff with such instructions as to them shall seem fit, or to the Lord Ordinary on the bills during vacation or during the Christmas recess.

X. That if the Court of Session be not sitting when the reclaiming note has been lodged, the cause shall, as soon as thereafter may be convenient, be transmitted to the bill chamber clerk, and enrolled in a roll to be kept for that purpose in the bill chamber; and the Lord Ordinary on the bills shall, on a day to be specified in that roll, hear parties *viâ voce*, and pronounce judgment as hereinbefore provided; and for the purposes of this Act he shall possess during the vacation and the Christmas recess the powers competent to the inner house during session, but his judgment shall be subject to review in manner herein after mentioned; and if the proceedings have not been brought to a termination before the Lord Ordinary on the bills at the commencement of the ensuing session, the cause shall be re-transmitted and enrolled before the inner house, which may give judgment therein as if it had been enrolled or had continued without interruption before the inner house.

XI. That where a summons of *cessio bonorum* is raised before the Court of Session the debtor shall publish a notice in the *Edinburgh Gazette*, intimating that the said summons has been raised, specifying in which division of the court it is to be enrolled, and requiring all his creditors to appear within thirty days from the date of the said Gazette notice; and he shall also send letters through the Post Office (paying the postage thereof) to each of the creditors specified in the summons to the same

III. That all such commissions as aforesaid shall be made to continue in force only during His Majesty's pleasure ; and the Governor for the time being of the said colony shall be and he is hereby bound and required to transmit a copy of every such commission by the earliest opportunity to His Majesty, through one of His Majesty's principal Secretaries of State, for his approbation or disallowance.

IV. That nothing herein or in any such commission or commissions contained shall extend or be construed to extend to invest His Majesty, his heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such territories as aforesaid, or to derogate from the rights of the tribes or people inhabiting such territories, or of chiefs or rulers, to such sovereignty or dominion.

V. That for the purposes of this Act any person lawfully administering the government of the said colony shall be deemed and taken to be the Governor thereof.

CAP. LVIII.

AN ACT for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor *supra* Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Bills of exchange need not be presented to acceptors for honour or referees till the day following the day on which they become due.*
2. *If the following day be a Sunday, &c. then on the day following such Sunday, &c.*

By this Act,

After reciting that bills of exchange are occasionally accepted *supra* protest for honour, or have a reference thereon in case of need : And that doubts have arisen when bills have been protested for want of payment as to the day on which it is requisite that they should be presented for payment to the acceptors or acceptor for honour, or to the referees or referee, and that it is expedient that such doubts should be removed :—

It is Declared and Enacted,

I. That it shall not be necessary to present such bills of exchange to such acceptors or acceptor for honour, or to such referees or referee until the day following the day on which such bills of exchange shall become due ; and that if the place of address on such bill of exchange of such acceptors or acceptor for honour, or of such referees or referee, shall be in any city, town, or place other than in the city, town, or place where such bill shall be therein made payable, then it shall not be necessary to forward such bill of exchange for presentment for payment to such acceptors or acceptor for honour, or referees or referee, until the day following the day on which such bill of exchange shall become due.

II. That if the day following the day on which such bill of exchange shall become due shall happen to be a Sunday, Good Friday, or Christmas Day, or a day appointed by His Majesty's proclamation for solemn fast or of thanksgiving, then it shall not be necessary that such bill of exchange shall be presented for payment, or be forwarded for such presentment for payment, to such acceptors or acceptor for honour, or referees or referee, until the day following such Sunday, Good Friday, Christmas Day, or solemn fast or day of thanksgiving.

CAP. LIX.—IRELAND.

AN ACT to extend the Protection of Copyright in Prints and Engravings to *Ireland*.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Provisions of recited Act extended to Ireland.*
2. *Penalty on engraving or publishing any print without consent of proprietor.*

By this Act,

After reciting an Act, 17 Geo. 3. c. 57, intituled, ' An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain Cases : ' and that it is desirable to extend the provisions of the said Act to Ireland ;—

It is Enacted,

1. That from and after the passing of this Act all the provisions contained in the said recited Act, 17 Geo. 3. c. 57, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of Great Britain and Ireland.

11. That from and after the passing of this Act, if any engraver, etcher, printseller, or other person shall, within the time limited by the aforesaid recited Acts, engrave, etch, or publish, or cause to be engraved, etched, or published, any engraving or print of any description whatever, either in whole or in part, which may have been or which shall hereafter be published in any part of Great Britain or Ireland, without the express consent of the proprietor or proprietors thereof first had and obtained in writing, signed by him, her, or them respectively, with his, her or their own hand or hands, in the presence of and attested by two or more credible witnesses, then every such proprietor shall and may, by and in a separate action upon the case, to be brought against the person so offending in any court of law in Great Britain or Ireland, recover such damages as a jury on the trial of such action or on the execution of a writ of inquiry thereon shall give or assess, together with double costs of suit.

CAP. LX.

AN ACT to amend the Laws relating to the Customs.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

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| | 1. Commencement of Act. |
| Regulation. | 2. Goods the property of persons resident abroad may be entered by bill of store if property be not changed. |
| | 3. Repeal of provision that wrecked goods not worth the duty shall be deemed unenumerated goods.—Commissioners of Customs may inquire as to the damage, and abate duty accordingly. |
| | 4. Spirits may be imported in casks of twenty gallons, and tobacco or snuff in hogsheads, &c. containing 300 pounds. |
| | 5. Goods may be exported in vessels of sixty tons. |
| Smuggling. | 6. Commissioners of Customs to grant general transires. |
| | 7. Goods reported to Customs as jetsam, flotsam, or lagan, and not claimed within twelve months, to be deemed condemned as droits of Admiralty. |
| | 8. Boats used in fishing on the coast of Scotland not required to have licences. |
| | 9. Magistrates to commit offenders convicted of offences against Customs laws to nearest house of correction. |
| Duties. | 10. Authorising Magistrates to proceed to conviction of smugglers in certain cases without an order from the board of Customs. |
| | 11. Prosecutions not to be instituted in cases where spirits, tobacco, or snuff are found on board vessels in legal packages within certain distances of the coast of the United Kingdom. |
| | 12. Table of new duties. |
| | 13. Repealing certain duties imposed by 55 Geo. 3. c. 57. |
| Possessions Abroad. | 14. Packages for the importation and exportation of segars into or from the Islands of Jersey, &c. |
| | 15. Certain exports from Guernsey and Jersey permitted. |
| | 16. Bill of entry; duplicate thereof to be delivered also. |

By this Act,

After reciting that several Acts were passed in the 3 & 4 Will. 4, for consolidating the laws of the Customs, and it has been found necessary to make certain alterations and amendments therein :—

It is Enacted,

1. That from and after the passing of this Act the same shall come into and be and continue in full force and operation for all the purposes mentioned therein.

And after reciting that by one of the said Acts, intituled, ‘An Act for the general Regulation of the Customs,’ provisions are made permitting the re-importation of certain goods legally exported from the United Kingdom, and that it is expedient to alter such provisions in the manner herein mentioned :—

It is Enacted,

11. That any goods which have been legally exported from the United Kingdom, and which shall afterwards be re-imported into the same, the real proprietor thereof being then absent therefrom, shall upon such re-importation be permitted to be entered by bill of store, provided the goods be such as are entitled to that privilege, on production of a declaration subscribed by such real proprietor setting forth the identity of the goods so exported and so returned, and that he was at the time of exportation from the United Kingdom, and will be at the time of re-importation thereinto, the proprietor of such goods, and that the same have not during such time been sold or disposed of to any other person; such declaration to be made before British Consul, Vice Consul, or other British authority residing in or near the place of residence of such real proprietor, and

upon such further proof of the identity of the goods as the Commissioners of the Customs shall require, and upon compliance with all the other regulations required by law on the entry of goods by bill of store.

And after reciting that by the said last-mentioned Act it is provided, that all such foreign goods, derelict, jetsam, flotsam, and wreck, as cannot be sold for the amount of duty due thereon, shall be delivered over to the lord of the manor, or other person entitled to receive the same, and shall be deemed to be unenumerated goods, and shall be liable to and shall be charged with duty accordingly: And that it is expedient that such proviso should be repealed;—

It is Enacted,

III. That so much of the above-recited Act shall be and the same is hereby repealed: Provided always, that it shall be lawful for the Commissioners of His Majesty's Customs, or for the officers of the Customs acting under their directions, to inquire into and receive proof of the extent to which any such goods shall have been damaged, and to make such abatement of the duties payable thereon as to them shall appear to bear a just proportion to the damage so ascertained to their satisfaction; anything in the said Act in respect of certain descriptions of goods to the contrary notwithstanding.

And after reciting that by the said last-mentioned Act all spirits, not being perfumed or medicinal spirits, or rum of and from the British possessions, are required to be imported into the United Kingdom in casks containing not less than forty gallons, and tobacco and snuff in certain cases are also required to be imported in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff 450 pounds weight;—

It is Enacted,

IV. That the said restrictions shall not extend to any such spirits in casks of not less than twenty gallons, nor to any such tobacco or snuff in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff 300 pounds weight.

And after reciting that the importation and exportation of certain goods into and from the United Kingdom and other dominions of His Majesty by the laws now in force is restricted to vessels of seventy tons burthen or upwards: and that by an Act, 5 & 6 Will. 4. c. 56, intituled, 'An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom,' vessels are required to be admeasured according to the rules set forth in that Act, and in consequence thereof it has become expedient to reduce the tonnage to which such importations and exportations are restricted:

It is Enacted,

V. That it shall be lawful to import into or export from the United Kingdom, and other dominions of His Majesty, any such goods in vessels of sixty tons burthen and upwards, provided such vessels have been admeasured according to the rules prescribed by the last-mentioned Act.

And after reciting that by the said last-mentioned Act it is provided that the Collectors and Controllers of the Customs in certain cases may grant for any coasting ship a general transire, to continue in force for any time not exceeding one year; and that it is found expedient, for the greater accommodation of the coasting trade, that this provision should be extended;—

It is Enacted,

IV. That it shall and may be lawful for the Commissioners of His Majesty's Customs, whenever it shall appear to them to be necessary, to grant general transires, under such regulations and for such time as they may see fit, for the lading of any goods, and for the clearing the ship in which the goods shall be laden, and for the unloading of the goods at the place of discharge: Provided always, that such transires shall be written in the cargo books required by law to be kept by the masters of coasting vessels; provided also, that if the said Commissioners shall at any time revoke such transires, and notice thereof shall be given to the master or owner of the ship, or shall be given to any of the crew when on board the ship, or shall be entered in the cargo book by any officer of the Customs, such transires shall be void, and shall be delivered up by the master or owner of the ship.

And after reciting that goods found derelict, and articles under the denomination of goods jetsam, flotsam, and lagan, are frequently picked up at sea and brought into the ports of this kingdom, which, if not claimed by any owner within the period limited by law, belong of right to His Majesty in his office of Admiralty, but by reason of the smallness of their value would, if prosecuted to condemnation in the High Court of Admiralty, be wholly unproductive;—

It is Enacted,

VII. That whenever any such goods, whether picked up at sea or on the shore within the flow of the sea, shall be reported to the officers of the Customs, notice thereof shall be forthwith given by them to the Receiver General of Droits of Admiralty, and all such goods shall be placed at his disposal, subject however to the payment of the duties with which they shall be respectively chargeable; and in case the rightful owner thereof shall prove his claim thereto to the satisfaction of the said Receiver General within the period of twelve calendar months from the day on which they shall be so reported, such goods shall be restored to the owner on payment of the duties and necessary charges attending the care of the same, and a reasonable compensation, to the amount of one-third of the net value (after abating the duties and charges aforesaid), to the salvors thereof; but if no such claim shall be established within the period aforesaid, then such goods shall be deemed and taken and be condemned to His Majesty as droits of Admiralty, and may be sold by the said Receiver General, without any process from the High Court of Admiralty; and the net proceeds thereof, after payment of duties, salvage, and other charges as aforesaid, shall be disposed of by him and carried to the credit of the Consolidated Fund, in like manner as droits of Admiralty are by an Act, 1 Will. 4, for the support of His Majesty's household, and the honour and dignity of the Crown, directed to be applied; anything in any Act or Acts contained, or any law, statute, or usage, to the contrary thereof notwithstanding.

And after reciting that by one other of the said Acts, 3 & 4 Will. 4. c. 53, intituled, 'An Act for the Prevention of Smuggling,' all boats belonging in the whole or in part to His Majesty's subjects found within certain limits are forfeited, unless the

owners thereof have obtained a licence for navigating the same from the Commissioners of His Majesty's Customs: And that it is expedient to dispense with such licences for boats used in fishing on the coasts of Scotland;—

It is Enacted,

VIII. That from and after the passing of this Act the owners of boats solely engaged in fishing on the coasts of Scotland shall not be required to obtain licences for navigating the same from the Commissioners of His Majesty's Customs under the provisions of the same recited Act.

And after reciting that by 4 Will. 4. c. 13. persons duly convicted of certain offences in that Act mentioned before any two Justices of the Peace are to be adjudged by such Justices to be imprisoned in any house of correction, and there kept to hard labour for certain terms in that Act mentioned: and that there are certain counties, cities, boroughs, divisions, franchises, and towns corporate in the United Kingdom which have not any house of correction situate within or near the same;—

It is Enacted,

IX. That when any person shall have been duly convicted of any of the offences in the said Act mentioned before any two Justices of the Peace within whose jurisdiction there is no house of correction, it shall and may be lawful for such Justices, and they are hereby authorized and required, by warrant under their hands and seals, to commit such offender to any of His Majesty's gaols within their jurisdiction wherein the sentence of hard labour is or can be executed, or to the house of correction nearest to the place where such offender is convicted, for such time as is set forth in the said Act for a first, second, and third offence respectively; and the governor or keeper of such house of correction is hereby required to receive such offender and to obey such warrant in all respects as if such house of correction was within the jurisdiction of the said Justices.

X. That wherever any person shall have been detained and taken before any Justice of the Peace for unshipping, or for aiding, assisting, or being concerned in the unshipping, of any spirits or tobacco liable to forfeiture, under any Act relating to the Customs or Excise, or for carrying, conveying, or concealing, or for aiding, assisting, or being concerned in the carrying, conveying, or concealing, of any such spirits or tobacco, and it shall appear to such Justice that the quantity of spirits in respect of which such person has been so detained does not exceed one gallon, or that the quantity of tobacco in respect of which such person has been so detained does not exceed six pounds weight, it shall and may be lawful for such Justice and he is hereby authorized to proceed summarily upon the case without any information, and although no direction shall have been given by the Commissioners of His Majesty's Customs, and to convict such person of such offence, and to adjudge that such person shall, in lieu of any other penalty, forfeit any sum of money not exceeding 5*l.*, and in default of payment of such sum of money, to commit such person to any of His Majesty's gaols for any time not exceeding one month.

And after reciting that by 3 & 4 Will. 4. c. 53. spirits found on board vessels within certain distances of the coast of the United Kingdom, not being in casks or packages containing forty gallons at the least, or any tobacco or snuff, not being in a cask or package containing 450 pounds weight at least, are made liable to forfeiture, and the persons found or discovered to have been on board such vessels to detention and prosecution on account thereof;—

It is Enacted,

XI. That in all cases where casks or packages containing spirits, tobacco, or snuff, found on board vessels within any such distances, are of such size or dimensions as may be legally imported into the United Kingdom, no such forfeiture, detention, and prosecution shall take place, but that in all other respects the forfeitures, detentions, and prosecutions set forth in the said Act shall attach and be in force as if this Act had not been made.

And after reciting the passing of 3 & 4 Will. 4. c. 56, intituled, 'An Act for granting Duties of Customs,' and that it is expedient to amend the same in the manner hereinafter mentioned:—

It is Enacted,

XII. That instead of the duties imposed by the said last-mentioned Act and set forth in a Table thereunto annexed, denominated "A Table of Duties of Customs Inwards," the several duties set forth in figures in the Table hereinafter contained, and denominated "Table of New Duties, One thousand eight hundred and thirty-six," shall, in respect of such goods as are mentioned therein, be raised, levied, collected, and paid unto His Majesty, in like manner as if such duties had been imposed in and by the said Act, and had been set forth in the said Table thereunto annexed; (that is to say,)

TABLE OF NEW DUTIES, 1836.

	£.	s.	d.		£.	s.	d.
Aristolochia, the lb.	0	0	1	Ebony, the Produce of or imported from any Foreign Country, the ton	0	10	0
Beads of Glass, the lb.	0	1	0	Feathers; viz. Ostrich, undressed, the lb.	0	1	0
Box Wood, the ton	0	10	0	Paddy Bird, the lb.	0	1	0
Bugles, the lb.	0	1	0	Flower Roots, the 100 <i>l.</i> of value	5	0	0
Cassia Fistula, the lb.	0	0	1	Ginger, preserved; the Produce of or imported from any Foreign Country, the lb.	0	0	6
Cedar, the ton	0	10	0	Horn and Horn Tips, the ton	0	1	0
Chalk; viz. prepared or otherwise manufactured, the 100 <i>l.</i> of value	10	0	0	Lignum Vitæ, the ton	0	10	0
Chalk, unmanufactured, the 100 <i>l.</i> of value	5	0	0	Mahogany, imported from any Foreign Country, entered after the 5th of July, 1837, the ton ...	5	0	0
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz. Raw or kiln-dried, the cwt.	1	0	0	Maps or Charts, or Parts thereof, viz.			
Roasted or ground, the cwt.	2	16	0	Plain, each	0	0	1
Clinkers, called Dutch Clinkers, the 1,000	0	10	0	Coloured, each	0	0	2
Drugs, not particularly enumerated or charged with Duty in this or any other Act, the cwt. ..	0	2	0	Marmalade, the produce of or imported from any Foreign Country, the lb.	0	0	6

	£.	s.	d.		£.	s.	d.
Morphia and its Salts, the lb.	0	16	0	Sebadilla Seeds, the cwt.	0	4	0
Nickel; viz. Arsenate of Nickel, in Lumps or Powder, being in an unrefined State, the 100l. of value	5	0	0	Speckled Wood, the Produce of or imported from any Foreign Country, the ton	2	10	0
Nickel, metallic, refined, and Oxide of Nickel, the 100l. of value	20	0	0	Spices, viz.			
Nuts, viz. Castor Nuts or Seed, the ton	0	1	0	— Cloves, the lb.	0	0	6
Oil, viz. Castor Oil, the cwt.	0	1	3	— Mace, the lb.	0	2	6
Olive Wood, the Produce of or imported from any Foreign Country, the ton	2	10	0	— Pepper, the lb.	0	0	6
Opium, the lb.	0	1	0	— Pimento, the lb.	0	0	3
Orange Flower Water, the lb.	0	0	1	Succades, the Produce of or imported from any Foreign Country, the lb.	0	0	6
Plate, old, not battered up, having been in the private Use of the Importer while residing abroad, and intended for his private Use in this Kingdom, viz.				Sweet Wood, the Produce of or imported from any Foreign Country, the ton	2	10	0
— Silver, the oz.	0	2	6	Teak Wood, the lead	0	10	0
— Gold, the oz.	1	0	0	— imported from any British Possession within the Limits of the East India Company's Charter, the load	0	0	1
Quinine, Sulphate of, the oz.	0	0	6	Teeth; viz. Elephant's, Sea Cow, Sea Horse, or Sea Horse Teeth, the cwt.	0	1	0
Rags, viz. old Woollen Rags, the ton	0	1	0	Verdigris, the lb.	0	0	6
Rice, rough and in the Husk, imported from the West Coast of Africa, the Quarter	0	0	1	Water; viz. Mineral Water, the gallon	0	0	1
Rose Wood, the ton	6	0	0	Wax; viz. Bees Wax unbleached, the Produce of the West Coast of Africa, and imported from thence, the cwt.	0	10	0

And after reciting that by 55 Geo. 3. c. 57. certain duties of Customs on goods imported from places within the limits of the exclusive trade of that company, and also certain duties of tonnage on vessels trading between those limits and the United Kingdom, were imposed: and that it is expedient to repeal the said duties;—

It is Enacted,

XIII. That the said duties shall be and the same are hereby repealed, save and except such of the same as shall have become due prior to the passing of this Act.

And after reciting that by one other of the said Acts, intituled, 'An Act to regulate the Trade of the British Possessions Abroad,' no tobacco is permitted to be imported into or exported from the islands of Jersey, Guernsey, Alderney, or Sark, or either of them, or removed from any one to any other of the said islands, or coastwise, from any one part to any other part of either of the said islands, unless in a cask or package containing 450 pounds weight;—

It is Enacted,

XIV. That the said restriction shall not extend to any segars in packages of not less than 100 pounds weight.

And after reciting that it is expedient to allow any sort of craft, food, victuals (except spirits), and any sort of clothing and implements and materials fit and necessary for the British Fisheries in America, to be imported in British ships into any port or place in the British possessions in North America at or from whence the said fisheries are carried on, although such port or place be not a free port;—

It is Enacted,

XV. That it shall be lawful to import from the islands of Guernsey and Jersey in British ships into such places in America the articles before enumerated and described, any law, custom, or usage to the contrary notwithstanding.

And after reciting that by the said last-mentioned Act the person entering any goods is required to deliver to the Collector or Comptroller, or other proper officer, a bill of the entry thereof, containing the several particulars set forth in the said Act;—

It is Enacted,

XVI. That such person shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector and Comptroller shall require.

CAP. LXI.

AN ACT to assimilate the Law of *Ireland* to that of *England* in respect to the Liability of Owners of Vessels for Losses by Fire.

(13th August 1836.)

By this Act,

After reciting the passing of 7 Geo. 2. c. 15, 26 Geo. 3. c. 86, 53 Geo. 3. c. 159, and that doubts have existed whether the said two first-mentioned Acts apply to that part of the United Kingdom called *Ireland*: And that it is expedient that all the said several hereinbefore recited Acts should be deemed and taken to apply to *Ireland*:—

owners thereof have obtained a licence for navigating the same from the Commissioners of His Majesty's Customs: And that it is expedient to dispense with such licences for boats used in fishing on the coasts of Scotland;—

It is Enacted,

VIII. That from and after the passing of this Act the owners of boats solely engaged in fishing on the coasts of Scotland shall not be required to obtain licences for navigating the same from the Commissioners of His Majesty's Customs under the provisions of the same recited Act.

And after reciting that by 4 Will. 4. c. 13. persons duly convicted of certain offences in that Act mentioned before any two Justices of the Peace are to be adjudged by such Justices to be imprisoned in any house of correction, and there kept to hard labour for certain terms in that Act mentioned: and that there are certain counties, cities, boroughs, divisions, franchises, and towns corporate in the United Kingdom which have not any house of correction situate within or near the same;—

It is Enacted,

IX. That when any person shall have been duly convicted of any of the offences in the said Act mentioned before any two Justices of the Peace within whose jurisdiction there is no house of correction, it shall and may be lawful for such Justices, and they are hereby authorized and required, by warrant under their hands and seals, to commit such offender to any of His Majesty's gaols within their jurisdiction wherein the sentence of hard labour is or can be executed, or to the house of correction nearest to the place where such offender is convicted, for such time as is set forth in the said Act for a first, second, and third offence respectively; and the governor or keeper of such house of correction is hereby required to receive such offender and to obey such warrant in all respects as if such house of correction was within the jurisdiction of the said Justices.

X. That wherever any person shall have been detained and taken before any Justice of the Peace for unshipping, or for aiding, assisting, or being concerned in the unshipping, of any spirits or tobacco liable to forfeiture, under any Act relating to the Customs or Excise, or for carrying, conveying, or concealing, or for aiding, assisting, or being concerned in the carrying, conveying, or concealing, of any such spirits or tobacco, and it shall appear to such Justice that the quantity of spirits in respect of which such person has been so detained does not exceed one gallon, or that the quantity of tobacco in respect of which such person has been so detained does not exceed six pounds weight, it shall and may be lawful for such Justice and he is hereby authorized to proceed summarily upon the case without any information, and although no direction shall have been given by the Commissioners of His Majesty's Customs, and to convict such person of such offence, and to adjudge that such person shall, in lieu of any other penalty, forfeit any sum of money not exceeding 5*l.*, and in default of payment of such sum of money, to commit such person to any of His Majesty's gaols for any time not exceeding one month.

And after reciting that by 3 & 4 Will. 4. c. 53. spirits found on board vessels within certain distances of the coast of the United Kingdom, not being in casks or packages containing forty gallons at the least, or any tobacco or snuff, not being in a cask or package containing 450 pounds weight at least, are made liable to forfeiture, and the persons found or discovered to have been on board such vessels to detention and prosecution on account thereof;—

It is Enacted,

XI. That in all cases where casks or packages containing spirits, tobacco, or snuff, found on board vessels within any such distances, are of such size or dimensions as may be legally imported into the United Kingdom, no such forfeiture, detention, and prosecution shall take place, but that in all other respects the forfeitures, detentions, and prosecutions set forth in the said Act shall attach and be in force as if this Act had not been made.

And after reciting the passing of 3 & 4 Will. 4. c. 56. intituled, 'An Act for granting Duties of Customs,' and that it is expedient to amend the same in the manner hereinafter mentioned:—

It is Enacted,

XII. That instead of the duties imposed by the said last-mentioned Act and set forth in a Table thereunto annexed, denominated "A Table of Duties of Customs Inwards," the several duties set forth in figures in the Table hereinafter contained, and denominated "Table of New Duties, One thousand eight hundred and thirty-six," shall, in respect of such goods as are mentioned therein, be raised, levied, collected, and paid unto His Majesty, in like manner as if such duties had been imposed in and by the said Act, and had been set forth in the said Table thereunto annexed; (that is to say,)

TABLE OF NEW DUTIES, 1836.

	£.	s.	d.		£.	s.	d.
Aristolochia, the lb.	0	0	1	Ebony, the Produce of or imported from any Foreign Country, the ton	0	10	0
Beads of Glass, the lb.	0	1	0	Feathers; viz. Ostrich, undressed, the lb.	0	1	0
Box Wood, the ton	0	10	0	Paddy Bird, the lb.	0	1	0
Bugles, the lb.	0	1	0	Flower Roots, the 100 <i>l.</i> of value	5	0	0
Cassia Fistula, the lb.	0	0	1	Ginger, preserved; the Produce of or imported from any Foreign Country, the lb.	0	0	0
Cedar, the ton	0	10	0	Horn and Horn Tips, the ton	0	0	0
Chalk; viz. prepared or otherwise manufactured, the 100 <i>l.</i> of value	10	0	0	Lignum Vitæ, the ton	0	0	0
Chalk, unmanufactured, the 100 <i>l.</i> of value	5	0	0	Mahogany, imported from any Foreign Country entered after the 5th of July, 1837, the ton	0	0	0
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz. Raw or kiln-dried, the cwt.	1	0	0	Maps or Charts, or Parts thereof, viz.	0	0	0
Roasted or ground, the cwt.	2	16	0	Plain, each	0	0	0
Clinkers, called Dutch Clinkers, the 1,000	0	10	0	Coloured, each	0	0	0
Drugs, not particularly enumerated or charged with Duty in this or any other Act, the cwt. ..	0	2	0	Marmalade, the produce of or imported from Foreign Country, the lb.	0	0	0

	£.	s.	d.		£.	s.	d.
Morphia and its Salts, the lb.	0	16	0	Sebedilla Seeds, the cwt.	0	4	0
Nickel; viz. Arsenate of Nickel, in Lumps or Powder, being in an unrefined State, the 100l. of value	5	0	0	Speckled Wood, the Produce of or imported from any Foreign Country, the ton	2	10	0
Nickel, metallic, refined, and Oxide of Nickel, the 100l. of value	20	0	0	Spices, viz.			
Nuts, viz. Castor Nuts or Seed, the ton	0	1	0	— Cloves, the lb.	0	0	6
Oil, viz. Castor Oil, the cwt.	0	1	3	— Mace, the lb.	0	2	6
Olive Wood, the Produce of or imported from any Foreign Country, the ton	2	10	0	— Pepper, the lb.	0	0	6
Opium, the lb.	0	1	0	— Pimento, the lb.	0	0	3
Orange Flower Water, the lb.	0	0	1	Succades, the Produce of or imported from any Foreign Country, the lb.	0	0	6
Plate, old, not battered up, having been in the private Use of the Importer while residing abroad, and intended for his private Use in this Kingdom, viz.				Sweet Wood, the Produce of or imported from any Foreign Country, the ton	2	10	0
— Silver, the oz.	0	2	6	Teak Wood, the lead	0	10	0
— Gold, the oz.	1	0	0	— imported from any British Possession within the Limits of the East India Company's Charter, the load	0	0	1
Quinine, Sulphate of, the oz.	0	0	6	Teeth; viz. Elephant's, Sea Cow, Sea Horse, or Sea Horse Teeth, the cwt.	0	1	0
Rags, viz. old Woollen Rags, the ton	0	1	0	Verdigris, the lb.	0	0	6
Rice, rough and in the Husk, imported from the West Coast of Africa, the Quarter	0	0	1	Water; viz. Mineral Water, the gallon	0	0	1
Rose Wood, the ton	6	0	0	Wax; viz. Bees Wax unbleached, the Produce of the West Coast of Africa, and imported from thence, the cwt.	0	10	0

And after reciting that by 55 Geo. 3. c. 57. certain duties of Customs on goods imported from places within the limits of the exclusive trade of that company, and also certain duties of tonnage on vessels trading between those limits and the United Kingdom, were imposed: and that it is expedient to repeal the said duties;—

It is Enacted,

XIII. That the said duties shall be and the same are hereby repealed, save and except such of the same as shall have become law prior to the passing of this Act.

And after reciting that by one other of the said Acts, intituled, 'An Act to regulate the Trade of the British Possessions abroad,' no tobacco is permitted to be imported into or exported from the islands of Jersey, Guernsey, Alderney, or Sark, or either of them, or removed from any one to any other of the said islands, or coastwise, from any one part to any other part of either of the said islands, unless in a cask or package containing 450 pounds weight;—

It is Enacted,

XIV. That the said restriction shall not extend to any segars in packages of not less than 100 pounds weight.

And after reciting that it is expedient to allow any sort of craft, food, victuals (except spirits), and any sort of clothing implements and materials fit and necessary for the British Fisheries in America, to be imported in British ships into any port or place in the British possessions in North America at or from whence the said fisheries are carried on, although such port or place be not a free port;—

It is Enacted,

XV. That it shall be lawful to import from the islands of Guernsey and Jersey in British ships into such places in America as Articles before enumerated and described, any law, custom, or usage to the contrary notwithstanding.

And after reciting that by the said last-mentioned Act the person entering any goods is required to deliver to the Collector Comptroller, or other proper officer, a bill of the entry thereof, containing the several particulars set forth in the said Act;

It is Enacted,

XVI. That such person shall also deliver at the same time one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry shall be written and arranged in such a clear and manner, and the number of such duplicates shall be such as the Collector and Comptroller shall require.

CAP. LXI.

AN ACT to assimilate the Law of Ireland to that of England in respect to the Liability of Owners of Vessels for Losses by Fire.

(13th August 1836.)

By this ACT,

After reciting the passing of 7 Geo. 2. c. 15, 26 Geo. 3. c. 86, 53 Geo. 3. c. 159, and that doubts have existed whether the two first-mentioned Acts apply to that part of the United Kingdom called Ireland: And that it is expedient that all the several provisions before recited Acts should be deemed and taken to apply to Ireland:—

It is Enacted,

1. That from and after the passing of this Act the provisions of the said several hereinbefore recited Acts and of each of them shall be deemed and taken to extend and apply to that part of the United Kingdom called Ireland.

11. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons whomsoever.

CAP. LXII.

AN ACT for continuing, until the First Day of *June* One thousand eight hundred and thirty-eight, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire with the present or the next Session of Parliament.

(13th August 1836.)

Section 11. enacts, That nothing in this Act contained shall extend or be construed to extend to an Act, 54 Geo. 3. c. xvi, intituled, 'An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Woodbridge to Eye in the County of Suffolk, and for repairing certain other Roads to communicate therewith.'

CAP. LXIII.

AN ACT to facilitate, until the Nineteenth Day of *March* One thousand eight hundred and thirty-seven, the Recovery of certain Arrears of Highway Rates and Composition in lieu of Statute Duty.

(13th August 1836.)

By this Act,

After reciting that by 5 & 6 Will. 4. c. 50. certain statutes relating to highways in that part of Great Britain called England were repealed: And that at the time of the repeal of the said statutes certain rates and composition in lieu of statute duty made under and by virtue of the said repealed Acts, some or one of them, were legally due and owing, and still remain unpaid: and that it is expedient to provide a remedy for the recovery thereof:—

It is Enacted,

1. That the surveyor and surveyors appointed under the said Act, 5 & 6 Will. 4. c. 50, shall and they are hereby authorized and required forthwith to proceed for the recovery of any rate or composition in lieu of statute duty which was duly made under and by virtue of the said repealed Acts, some or one of them, previous to the same being repealed, and which still remains unpaid, and for that purpose shall have the same powers and authorities as if the rate or composition in lieu thereof had been made under and by virtue of the said Act, 5 & 6 Will. 4. c. 50, and shall apply the money which he or they may so recover, after deducting the costs and expenses of such recovery, to the payment and discharge of any debts which may be legally due and owing from the surveyor or surveyors under the said repealed Acts, some or one of them, and the overplus, if any, towards carrying into effect the several purposes of the said Act, 5 & 6 Will. 4. c. 50.

11. That this Act shall continue in force until the 19th of March 1837.

111. That this Act may be altered, amended, or repealed in this present session of Parliament.

CAP. LXIV.

AN ACT to explain and amend an Act passed in this present Session of Parliament for imposing certain Restrictions on the Renewal of Leases by Ecclesiastical Persons.

(13th August 1836.)

By this Act,

After reciting that by 6 Will. 4. c. 20, it is amongst other things enacted, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian should thereafter grant any renewed lease of any house, land, tithes, or other hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, such lease should contain such recital or statement as therein mentioned, every

such recital or statement should, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited or stated; and it is thereby further enacted, that if any lease contrary to the said Act should have been granted since the 1st of March in this present year, or should be granted after the passing of the said Act, every such lease should be void to all intents and purposes: And that doubts have been entertained whether leases granted since the said 1st of March in this year, or to be hereafter granted, by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, and which do not contain such recital or statement as aforesaid, are not made absolutely void by the aforesaid enactment; and it is expedient that all such doubts should be removed:—

It is Enacted,

That no lease granted or to be hereafter granted by any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, shall be deemed or taken to be void under the provisions of the said Act by reason only of its not containing such recital or statement as therein mentioned: Provided always, that whenever any archbishop, bishop, ecclesiastical corporation sole or aggregate, dignitary, canon, prebendary, spiritual person, master or guardian, shall hereafter grant any renewed lease of any manor, messuage, land, tithes, or hereditaments, parcel of the possessions of his or their see, chapter, dignity, canonry, prebend, benefice, or hospital, and such lease shall contain such recital or statement as in the said Act is mentioned, every such recital or statement shall, so far as relates to the validity of the lease so to be granted, be deemed and taken to be conclusive evidence of the truth of the matter so recited.

CAP. LXV.

AN ACT for granting Relief from the Duties of Assessed Taxes, and on Stage Carriages, in certain Cases, and to regulate the charging of the Duty payable for taking or killing Game, in *Great Britain*; and to provide for the Collection of certain Local Taxes in *Scotland*.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Duties on four-wheeled carriages let to hire and drawn by one horse reduced.
2. Former exemptions in respect of certain carriages with less than four wheels and drawn by one horse repealed.—Exemption granted in lieu thereof.
3. Carriages, &c. conveying prisoners or paupers exempted from duties of assessed taxes.
4. Drivers of carriages let to hire by persons licensed to let horses for hire exempted.
5. General officers and officers of the staff in the Army exempted from duties of assessed taxes in respect of the soldiers allowed to be employed by them as servants by the regulations of the service.
6. Exemption granted by 52 Geo. 3. c. 93, to officers of the Navy under the rank of a master and commander for one servant extended to all officers for any servants borne on the books of their ships.
7. Carriages for carrying passengers travelling at a rate less than four miles an hour not to be deemed stage carriages.
8. Surcharges for the game certificate duty to be made on or before the 5th of April next after the duty is incurred.—Assessments thereon to be made in double duty.
9. Information on oath not necessary in first instance under 1 & 2 Will. 4. c. 32.
10. Local taxes in Scotland heretofore collected by the collector of the land tax to be collected by the collectors of county assessments.
11. Appointment of collectors of county assessments in Scotland to be vested in the Commissioners of Supply.
12. Counties and burghs in Scotland not to be liable for any deficiency in the land or assessed taxes occasioned by the default of the collectors appointed by the Treasury.
13. Act may be altered or repealed this session.

By this ACT,

After reciting that it is expedient to grant relief from certain of the duties of assessed taxes in the several cases hereinafter particularly mentioned:—

It is Enacted,

1. That upon all assessments made or to be made for any year commencing from or at any time after the 5th of April 1836 the duties of assessed taxes granted and now payable under Schedule (D.), Number 3, of two several Acts, 48 and 52 Geo. 3, upon or in respect of carriages with four wheels kept for the purpose of being let to hire, with horses to be used therewith, as in the said Schedule is mentioned, shall, so far as the same relate to any such carriage drawn by one horse, mare, gelding, or mule, cease and determine, and in lieu thereof there shall be granted and paid upon or in respect of every such carriage so drawn as last aforesaid the reduced annual duty of 4*l.* 10*s.*, which said reduced duty shall be assessed, raised, levied, collected, and paid in like manner, and under and subject to the like rules, regulations, and conditions, as the duties now in force.

And after reciting that by 3 & 4 Will. 4. c. 39, exemptions were granted from the duties of assessed taxes for and in respect of certain carriages with less than four wheels, constructed and used as therein described: And that it is expedient to give further relief by granting a more extended exemption in lieu thereof, as hereinafter mentioned:—

It is Enacted,

II. That upon all such assessments as aforesaid the said exemptions contained in the said last-recited Act for and in respect of any carriages with less than four wheels shall be and the same are hereby repealed, and in lieu thereof there shall be granted the following exemption; (that is to say,) no duty of assessed taxes shall be charged or chargeable for or in respect of any carriage with less than four wheels, kept by any person for his or her own use, and not for hire or profit (except for the conveyance of prisoners or paupers, as hereinafter mentioned), and drawn by one horse, mare, gelding, or mule only, and not otherwise, whatever may be the form or construction of such carriage, or the materials with which the same shall be built or fitted up; provided that the price or value of such carriage, together with the cushion or cushions, and every or any other article or thing used therewith or belonging thereto, shall not exceed or at any time have exceeded the sum of £11.; and provided also, that such carriage shall have the christian name and surname and place of abode and occupation or calling of the owner and of every owner thereof painted in words at length and in legible and conspicuous Roman letters or characters two inches at the least in height, and of a proper and proportionate breadth, in one or more straight and horizontal line or lines, in white upon a black ground or in black upon a white ground, on a plain and even surface on the outside of such carriage, that is to say, upon the back part of the body thereof; or if there shall be no such back part, then upon the panel on the right or off-side of the body; or if there shall be no such panel, then upon some other conspicuous part of such side; or if there be no such side, then upon the outer part of the right or off-side shaft; and in such plain and conspicuous manner that the same shall be at all times visible and legible.

III. That no carriage of any description whatsoever, nor any horse or horses drawing the same, nor any person employed to drive such horse or horses, shall be charged or chargeable with any of the duties of assessed taxes on account or by reason of such carriage being used for hire or profit, or otherwise, in conveying any prisoner or prisoners to or from any prison, or in conveying any pauper or paupers at the expense of any parish, township, or union or of any person who may have contracted with any parish, township, or union for the conveyance of paupers.

And after noticing that by an Act, 52 Geo. 3, Schedule (C.), Number 1, the duties thereby granted and made payable for male servants are declared to extend to all servants employed in any of the capacities therein mentioned, except, amongst others, the drivers employed by persons licensed to sell wine, ale, or other liquors by retail to drive their carriages with horses let out to hire; and that it is expedient to grant relief from such duties for all such drivers, whether employed by such licensed persons or not;—

It is Enacted,

IV. That upon all such assessments as aforesaid the said last-mentioned duties shall not be charged or chargeable for or upon any driver employed by any person duly licensed to let horses for hire to drive his carriage or carriages with a horse or horses let out to hire, in such manner that the duty on horses let for hire shall be payable by law in respect of the horse or horses so let out to hire with every such carriage.

And after noticing that it is expedient that the soldiers allowed by the regulations of the public service to be employed as servants by general officers and officers of the staff in the army should not be chargeable to such officers with the duties of assessed taxes;—

It is Enacted,

V. That upon all such assessments as aforesaid all general officers and all officers of the staff in the army shall be exempt from the duties of assessed taxes for so many male servants, being actually soldiers in the army, employed by such officers respectively as are or may be allowed to them respectively by the regulations of the public service, in whatever capacity such soldiers may have been or may be employed, and without regard to any other male servants retained or kept by such officers, and for which they may be respectively liable to be assessed; provided that all such servants for which such exemption as aforesaid is hereby granted shall be duly returned to the assessor, and the said exemption shall be claimed in the manner directed by the laws in force with regard to other exemptions from the duties of assessed taxes.

And after reciting that under and by virtue of the said Act, 52 Geo. 3, exemption from the duties payable for male servants retained or employed in the several capacities mentioned in Schedule (C.), Numbers 1 and 2, to the said Act annexed is granted to every officer in His Majesty's Navy under the rank of a master and commander in actual employ for one servant borne upon the books of the ship to which such officer shall belong: and that it is expedient to extend the said exemption in the manner hereinafter mentioned;—

It is Enacted,

VI. That upon all such assessments as aforesaid the said exemption shall be and is hereby extended and granted to every officer of His Majesty's Navy, of whatever rank, in actual employ, for any number of servants borne upon the books of the ship to which such officer shall belong and employed by him, in whatever capacity any such servant may be employed, and without regard to any other male servants retained or kept by such officer, and for which he may be liable to be assessed: Provided always, that all such servants shall be duly returned to the assessor, and the exemption claimed in the manner directed by law with regard to other exemptions from the duties of assessed taxes.

And after reciting that by 2 & 3 Will. 4. c. 120, it is enacted that every carriage used or employed as therein mentioned, and which when passing along any highway or other road shall travel at the rate of three miles or more in the hour, shall be deemed and taken to be a stage carriage within the meaning of the said Act, provided as therein also mentioned: And that it is expedient to permit certain carriages to travel at a rate exceeding three miles in the hour without being deemed to be stage carriages;—

It is Enacted,

VII. That from and after the passing of this Act no carriage shall by reason of the rate of travelling be deemed or taken to

be a stage carriage within the meaning of the said Act unless the same shall travel at the rate of four miles or more in the hour.

And after reciting that by 5 Geo. 4. c. 44, the inspectors or surveyors acting in the execution of the Acts relating to the duties of assessed taxes are authorized and empowered to charge according to the provisions of the said Acts any person chargeable with the duty payable by persons in respect of their taking or killing game, or doing other acts by which they are rendered liable to the said duty, and who shall have omitted to pay the said duty and obtain a certificate as by the said Acts directed, without any previous information and conviction of the offender in the penalty for any such offence, provided every such charge be made within a period limited by the said Acts and in the single duty only; and that doubts have arisen as to the period limited by the said Acts for making any such last-mentioned charge, and it is expedient to remove such doubts, and to amend the said last-recited enactment in the manner hereinafter mentioned;—

It is Enacted,

VIII. That where any person who shall be chargeable with the said duty payable by persons in respect of their taking or killing game, or doing other acts by which they are rendered liable to the said duty, shall omit to pay the said duty or to obtain a certificate as by the said Acts is directed, it shall be lawful for any such inspector or surveyor as aforesaid to charge any such person with the said duty at any time on or before the 5th of April next after such person shall have become so chargeable, and whether such person shall have been previously convicted of any such offence as aforesaid or not, subject nevertheless to appeal according to the provisions and directions of the said Acts; and upon every such charge as last aforesaid, which shall be allowed or confirmed by the said Commissioners of Taxes, the assessment shall be made in double the rate of duty chargeable; and it shall not be lawful for the said Commissioners to remit or strike off any part of the said double duty; anything in any Act or Acts contained to the contrary in anywise notwithstanding.

And after reciting that by 1 & 2 Will. 4. c. 32, intituled, 'An Act to amend the Laws in England relative to Game,' it is enacted, that where any person shall be charged on the oath of a credible witness with any offence punishable upon summary conviction, by virtue of the said last-mentioned Act before a Justice of the Peace the Justice may summon the party charged to appear before himself or any one or two Justices of the Peace, as the case may require, at a time and place to be named in such summons, and if such party shall not appear accordingly, then the Justice or Justices may proceed in the case in the manner directed by the said Act; and that it is expedient to explain and amend the said enactment as hereinafter mentioned;

It is Enacted and Declared,

IX. That upon any information made or exhibited before a Justice of the Peace of any such offence as aforesaid it shall not be necessary that the charge contained in such information should be made on the oath of the informer or prosecutor in such case; provided that before any proceeding shall be had or taken upon such information, either for summoning the party accused or compelling his appearance to answer the same, the charge contained in such information shall be deposed to on the oath of some other person or persons being a credible witness or credible witnesses.

And after noticing that by law the appointment of Collectors of Land Tax in Scotland is now vested in the Lords Commissioners of His Majesty's Treasury, and by certain statutes it is provided that the collection of certain local and other taxes and assessments and the performance of certain acts should be made and done by Collectors of the Land Tax, and it is expedient in such matters to substitute for the Collectors of the Land Tax the Collectors of county, city, and town assessments respectively, or such other person or persons as the Commissioners of Supply shall appoint in that behalf;—

It is Enacted,

X. That with respect to all local taxes and assessments, and other matters and duties in Scotland not affecting His Majesty's revenue of Land or Assessed Taxes, as to which the Collector of the Land Tax is mentioned, or has matters or things to do or has powers granted to him, such matters or things shall be and are hereby required to be done by, and such powers shall be and are hereby granted to the Principal Collector or Collectors, or officer or officers of the nature of principal Collector or Collectors of county, city, or town assessments respectively, or to such other person or persons as the Commissioners of Supply shall appoint in that behalf, as fully and effectually to all intents and purposes as if in such statutes respecting local and other matters the words Principal Collector of County, City, or Town Assessments respectively, or officer of the nature of such principal collector or such person or persons as the Commissioners of Supply shall appoint in that behalf, had been inserted as to such matters instead of the words Collector of the Land Tax or other words descriptive of the office of Collector of the Land Tax.

XI. Provided, That notwithstanding the transfer of the appointment of Collectors of the Land Tax in Scotland to the said Lords Commissioners of His Majesty's Treasury, the Commissioners of Supply or other persons by whom Collectors of the Land Tax were appointed before such transfer continue to have and shall have full power to appoint collectors and other officers in regard to the county, city, or town assessments, formerly collected by Collectors of the Land Tax; and such Collectors of county, city, or town assessments, and other officers, shall have in regard to such assessments all the powers exercised in regard to such assessments by the Collectors of the Land Tax.

And after reciting that the Collectors of the Land and Assessed Taxes in Scotland are now appointed by the Lords Commissioners of His Majesty's Treasury, and doubts have arisen touching the liability of the several counties and burghs in Scotland charged with the raising, collecting, and paying over of the said taxes to answer for the failure or default of such collectors so appointed; and it is just and reasonable that such counties and burghs should be relieved from such liability as aforesaid, and that all doubts touching the same should be removed;—

It is Enacted and Declared,

XII. That no county or burgh in Scotland shall be liable to make good or to be assessed or re-assessed for any defalcation or deficiency in the collection of the land tax or assessed taxes which shall or may be occasioned by the failure or default of any collector or collectors appointed or to be appointed as aforesaid.

XIII. That this Act may be altered or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXVI.

AN ACT to prevent the advertising of Foreign and other illegal Lotteries.

(13th August 1836.)

By this Act,

After noticing that the laws in force are insufficient to prevent the advertising of foreign and other illegal lotteries in this kingdom, and that it is expedient to make further provision for that purpose :—

It is Enacted,

That from and after the passing of this Act if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or relating to the drawing or intended drawing of any foreign lottery, or of any lottery or lotteries, not authorized by some Act or Acts of Parliament; or if any person shall print or publish, or cause to be printed or published, any advertisement or other notice of or for the sale of any ticket or tickets, chance or chances, or of any share or shares of any ticket or tickets, chance or chances, or of in any such lottery or lotteries as aforesaid, or any advertisement or notice concerning or in any manner relating to any such lottery or lotteries, or any ticket, chance, or share, tickets, chances, or shares thereof or therein; every person so offending shall for every such offence forfeit the sum of 50*l.*, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information in any of His Majesty's courts of record in Westminster or Dublin respectively, or in the Court of Session in Scotland; one moiety thereof to the use of His Majesty, his heirs and successors, and the other moiety thereof to the use of the person who shall inform or sue for the same.

CAP. LXVII.

AN ACT for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.

(13th August 1836.)

By this Act,

After reciting that His Majesty was pleased, on the 4th of February and on the 6th of June 1835, to issue two several commissions to certain persons therein respectively named, directing them to consider the state of the Established Church in England and Wales with reference to ecclesiastical duties and revenues: And that the said Commissioners have, in pursuance of such directions, made four several reports to His Majesty, bearing date respectively the 17th of March 1835, and the 4th of March, the 20th of May, and the 24th of June 1836, and have in the last of such reports, amongst other things, recommended that the chapter of each cathedral church in England, except at Oxford, of the collegiate church of Westminster, and of His Majesty's royal chapel of Windsor, consist hereafter of a Dean and four Canons only; that the Chapter of Christ Church in Oxford consist hereafter of a Dean and six Canons only; that the Chapters of Saint Asaph and Bangor respectively consist hereafter of a Dean and two Canons only; that the Chapter of Saint David's consist hereafter of a Precentor and two Canons only, and that the Chapter of Llandaff consist hereafter of an Archdeacon and two Canons only; and that no new appointment be made to any of the prebends, dignities, or offices, not being residentiary, in the several cathedral and collegiate churches, except as therein specified, nor to the deanery of Wolverhampton; and that all ecclesiastical rectories without cure of souls, except such as are in the patronage of any College in either of the Universities, or of any private patron, be suppressed: And that the said Commissioners have also recommended various other measures, some of which are connected with and dependant upon the foregoing recommendations, and it is expedient that the reports of the said Commissioners in these respects should be further considered in the next session of Parliament :—

It is Enacted,

1. That all future appointments to any ecclesiastical dignity, place, or office referred to in the above-mentioned recommendations be made subject to such measures and regulations as may hereafter be enacted respecting the same, except as hereinafter excepted; no appointment, presentation, or collation be made to any canonry, prebend, or dignity in any cathedral church in England or Wales, or in His Majesty's royal chapel of Windsor, or in the collegiate churches of Westminster and Ripon, or to any benefice without cure of souls in England or Wales which is now vacant or which shall hereafter become vacant during the continuance of this Act; Provided always, that nothing herein contained shall be construed to apply to any archdeaconry, nor to any deanery, except the deanery of Wolverhampton, nor to the dignity of Precentor in the cathedral church of Saint David's, nor to any of the canonries in the cathedral churches of York, Saint Paul's in London, Carlisle, Chichester, and Lincoln, nor to either of the two canonries of Christ Church, which are respectively annexed to the regius professorships of Divinity and Hebrew in the University of Oxford, nor to the Prebend in the cathedral church of Worcester, which is annexed to the Lady Margaret's professorship of Divinity in the same University, nor to the two Prebends in the collegiate church of Westminster, which the said Commissioners have in their said reports recommended to be annexed to the parishes of Saint Margaret and Saint John in the city of Westminster respectively, nor to the fourth Prebend in the cathedral church of Durham, which is by the 2 Will. 4. to be annexed to the archdeaconry of Durham, nor to the Prebends in the cathedral churches of Gloucester, Norwich, and Rochester, which are respectively annexed to the masterships of Pembroke College in Oxford and

of Catherine Hall in Cambridge, the provostship of Oriel College in Oxford, and the archdeaconry of Rochester respectively, nor to any prebend now enjoyed by the bishops of Lincoln, Lichfield, Exeter, and Salisbury in the chapters of their respective sees, nor to any benefice without cure of souls which is in the patronage of any College in either of the Universities or of any private patron, nor to any canonry in the chapter of Christ Church in Oxford by the vacancy of which the canonries in the said chapter shall be reduced below the number of six, nor to any prebend or canonry in the chapter of any other cathedral or collegiate church in England, or of His Majesty's royal chapel of Windsor, or of the collegiate churches of Westminster or Ripon, by the vacancy of which the prebends or canonries in such chapters respectively shall be reduced below the number of four, nor to any canonry in the chapter of either of the cathedral churches of Wales by the vacancy of which the canonries in such chapter shall be reduced below the number of two.

And after noticing the passing of 5 & 6 Will. 4. c. 30,—

It is Enacted,

II. That nothing herein contained shall be construed to prejudice or affect the said Act, excepting such parts thereof as provides that nothing therein contained shall prevent His Majesty, or any archbishop, bishop, or other patron of any dignity, prebend, canonry, or benefice without cure of souls which at the time of the passing of the said Act might have or should thereafter become vacant, from appointing a successor thereto in case he should think proper to do so, but that such last-mentioned provision, except so far as it relates to any canonry, prebend, dignity, or benefice hereinbefore excepted from the operation of this Act, be and the same is hereby repealed.

III. That all the provisions of the said Act, except as herein excepted, shall remain in full force during the continuance of this Act.

IV. That this Act shall continue and be in force for one year from the passing thereof, and if Parliament shall be then sitting until the end of the session of Parliament.

CAP. LXVIII.

AN ACT to continue until the Thirty-first Day of *December* One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty, for providing for the Government of His Majesty's Settlements in *Western Australia*, on the Western Coast of *New Australia*.

(13th August 1836.)

CAP. LXIX.

AN ACT to fix the Standard Qualities of Gold and Silver Plate in *Scotland*, and to provide for the assaying and marking thereof.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Goldsmiths not to work gold or silver plate inferior to certain standard qualities.
2. Goldsmiths to send their names, descriptions, and marks to the Goldsmiths Incorporation of Edinburgh or the Goldsmiths Company of Glasgow.
3. Goldsmiths to strike their mark on plate and send it to the assay office to be assayed, and if found standard marked with certain marks.
4. Assayers empowered to levy rates upon plate sent to be assayed.
5. Plate of objectionable manufacture to be returned without assay.—Drawings to be taken for assay and diet.
6. Assayer may test plate.—Compensation to be made for damage.—Disputes to be settled by two Justices.
7. Portion of drawings to be assayed, and if inferior to standard, plate to be defaced; if equal, to be marked.
8. Assayer to weigh and sell drawings from plate assayed.
9. Diets to be tried annually.
10. Penalty on assayer if diets found inferior to standards.
11. Wardens and assayers to take oaths before entry upon office.
12. Assayers and wardens not to discover patterns of plate.—Assayers to keep proper books.
13. Custody of dies.—Penalty on assayer for marking plate not duly assayed.
14. Incorporation and Company may make bye-laws for the regulation of their assay offices.
15. Overplus of rates to be applied in prosecution of offenders.—Rates may be reduced or raised.
16. Exception as to certain gold wares.
17. Exception as to certain silver wares.

18. *Penalty for selling or exporting plate not duly marked.*
19. *Forging or imitating dies or marks, stamping with forged dies, &c., and fraudulently using the lawful dies, declared felony.*
20. *Upon information on oath against persons suspected of felonious offences, Justices may grant search warrants.—Plate, ware, and manufactures forfeited, how to be disposed of.*
21. *Penalty on striking letters on base metal.*
22. *Penalties how to be recovered and applied.*
23. *Members of the Incorporation or Company to be competent witnesses in prosecutions.*
24. *Act not to affect Act for establishing assay office in Glasgow, or Acts for granting duties on plate or on dealers licences.*
25. *Public Act.*

By this Act,

After reciting that it is expedient that all gold and silver plate and wares wrought, sold, or exchanged in Scotland should be respectively of certain standard qualities, and should be assayed and marked in manner hereinafter mentioned :—

It is Enacted,

I. That from and after the 1st of October 1836 no goldsmith, silversmith, or other person in Scotland shall work or make, or cause or procure to be wrought or made, any gold vessel, plate or manufacture or ware of gold whatsoever, less in fineness than eighteen carats of fine gold in every pound weight troy ; nor work or make, or cause or procure to be wrought or made, any silver vessel, plate or manufacture or ware, whatsoever, less in fineness than eleven ounces and two pennyweights of fine silver in every pound weight troy ; nor sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland, any gold vessel, plate or manufacture or ware of gold whatsoever, wrought or made after the said 1st of October 1836, less in fineness than eighteen carats of fine gold in every pound weight troy ; nor sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland, any silver vessel, plate or manufacture or ware of silver whatsoever, wrought or made after the said 1st of October 1836, less in fineness than eleven ounces and two pennyweights of fine silver in every pound weight troy ; and every goldsmith, silversmith, or other person who shall after the said 1st of October 1836 work or make, or cause or procure to be wrought or made, or sell, exchange, keep or expose for sale, or export or attempt to export out of Scotland, any gold or silver vessel, plate or manufacture or ware of gold or silver, less in fineness respectively than is hereinbefore directed, shall for each piece of gold or silver plate so sold, exchanged, or kept or exposed for sale, or exported or attempted to be exported as aforesaid, forfeit and pay a sum not exceeding 100*l.*, to be levied, recovered, and applied in manner hereinafter mentioned.

II. That on or before the 1st of October 1836 every goldsmith, silversmith, or plate-worker, or other person carrying on any of the said trades in Scotland, and also every person who at any time after the said 1st of October 1836 shall follow the trade of a goldsmith, silversmith, or plate-worker, before he shall exercise the same, shall send or deliver, either to the warden of the Incorporation of Goldsmiths of the city of Edinburgh, or to the wardens of the Glasgow Goldsmiths Company, a written statement of his christian and surnames, and also, if he shall carry on trade in copartnership, of the style or firm of the said copartnership, and of his place of abode and business, and of his mark to be used as is hereinafter provided, which said mark shall be the initial letters of his christian and surnames, or, in the case of members of a partnership, the initial letters of the words composing the style or firm under which the business of such partnership shall be carried on, and shall also from time to time, when any alteration of circumstances shall take place in any of the said particulars, send or deliver in as aforesaid a like statement of such alteration within two months after the same shall take place ; and such statements respectively shall be entered by the said wardens, without fee or reward, in the respective books or registers of the said incorporation or company ; and every such goldsmith, silversmith, or plate-worker who shall neglect or refuse to send or deliver such statement, or who shall use or strike any other mark on such plate or ware as aforesaid than that which he shall so send or deliver, shall for every such offence forfeit and pay the sum of 100*l.*, to be levied, recovered and applied in manner hereinafter mentioned.

III. That every such goldsmith, silversmith, and plate-worker, or person carrying on any of the said trades in Scotland shall first strike or stamp his mark upon all gold and silver plate or ware (except as is hereinafter excepted) which he shall make or work, or cause or procure to be wrought or made after the said 1st of October 1836, and shall then bring or send the same to the assay office of the incorporation or company to which he shall have sent or delivered his name and firm, place of abode and business, and mark as aforesaid, together with a note or memorandum in writing specifying the day of the month and year when such plate is assent to be assayed, the place of business and the christian and surnames of worker or maker, the style or firm of the workers or makers of such plate, the several species in each parcel of plate, and the number of pieces of each species, with the total weight of such pieces, and the standard or quality for denoting which the worker or maker shall require such pieces respectively to be marked ; and such plate or ware shall be assayed at such assay office in manner hereinafter directed ; and such gold plate or ware as shall be ascertained to be not less in fineness than twenty-two carats of fine gold in every pound weight troy, and such silver plate or ware as shall be ascertained to be not less in fineness than eleven ounces and two pennyweights of fine silver in every pound weight troy, shall be marked at such assay office as follows ; that is to say with the mark of the thistle, and with a distinct variable letter, denoting the year in which such plate shall be marked, and also with the mark or marks used or to be used by the incorporation or company at whose assay office the same shall be assayed ; and such gold plate or ware as shall be ascertained to be not less in fineness than eighteen carats of fine gold in every pound weight troy shall be marked with the figures 18, in addition to the said several marks hereinbefore required ; and such silver plate or ware as shall be ascertained to be not less in fineness than eleven ounces and ten pennyweights of fine silver in every pound weight troy shall be marked with the figure of Britannia, in addition to the several other marks hereinbefore required.

IV. That it shall and may be lawful to and for the assayer of such assay office, or such other person or persons as shall be appointed for that purpose by the incorporation or company to which such assay office shall belong, and he and they are hereby authorized and empowered, to demand, levy, and receive from such person and persons as shall bring to such assay office

gold or silver plate or ware to be assayed and marked, for the assaying and marking thereof, such sums of money as shall be found necessary for defraying the expenses of such assay office, and such sums shall or may be levied in respect of such plate or ware, either in proportion to the weight thereof, or by the piece upon any single piece of such plate or ware which shall not exceed if of gold the weight of one ounce, or if of silver the weight of three ounces; provided always, that such sums, where the same shall be levied by weight, shall not exceed the rate of 1s. for every ounce of gold, and 1d. for every ounce of silver, and so in proportion for any greater or less quantity; and that such sums, where the same shall be levied by the piece, shall not exceed 1s. for each piece of gold plate or ware, or 3d. for each piece of silver plate or ware; and such incorporation and company respectively shall from time to time fix and appoint such sums so to be levied upon each ounce weight or upon each piece, according to the nature and description thereof, and hang up and maintain in their assay office a table of the rates for the time exigible by the assayer for the assaying and marking of plate and ware, which rates so fixed from time to time shall, with the exceptions hereinafter mentioned, be charged and levied equally in respect of all plate and ware of the same species and weight or description which shall be assayed and marked at such assay office; and no reduction or advance which may be made, as hereinafter provided, in the said rates shall, either directly or indirectly, be made partially or in favour of or against any particular person or class of persons, but every such reduction or advance shall extend to all plate and ware of the same species and weight or description, and to all persons sending the same to be assayed and marked as aforesaid: Provided always, that such assayer or other person aforesaid shall deduct from the amount of the rates or sums demanded in respect of any parcel of plate or ware which shall be sent to such assay office from any distance greater than thirty miles therefrom a sum not greater than one third of the amount of such rates or sums for or in respect of the expense of the carriage of such parcel to and from such assay office.

v. That all gold and silver plate and ware which shall be brought to either of the said assay offices shall be weighed and examined by the assayer; and if it shall appear that the same is not all of one quality of gold or silver, or if it be not marked with the worker's mark, or if it be charged with unnecessary solder, or if all the pieces be not affixed together which it shall appear are intended to be affixed together, then in any of such cases, if no intention of fraud shall appear, such plate or ware shall be returned to the owner thereof without being marked; but if such plate or ware shall be found free from all the objections aforesaid, there shall be drawn or scraped so much from each piece, in proportion to the weight thereof, as will not exceed in the whole the rate of eight grains for every pound weight troy, and such drawings or scrapings shall immediately afterwards be divided into two equal portions, one whereof shall be kept by the assayer and used by him for the purpose of making his assays, and the other portion shall be locked up, with two different locks, in boxes to be provided for that purpose, which shall be called the assayer's boxes, the one of which shall be the box for gold and the other the box for silver, and in each of which boxes there shall be two compartments; and the respective keys of each of such boxes shall be kept by the deacon of the said incorporation, or by the chairman or preeses of the said company respectively, and by the assayer of the said incorporation or company.

vi. That if, on view of any wrought or manufactured plate or ware of gold or silver brought to either of the said assay offices to be assayed and marked, the assayer shall suspect that too great a quantity of base metal or solder is contained or concealed in such plate or ware, or has been used in or about the manufacture thereof, or shall discover or suspect that any fraud or deceit has been practised or intended in such manufacture by joining together metals of different standards of fineness in the same article, it shall be lawful for the said assayer in the presence of any two or more of the wardens, whom in that case he is hereby directed to call in for the purpose, to break, cut asunder, or otherwise test such article; and if it shall appear that an undue quantity of base metal or solder is contained or present in any part thereof, or that the same has been fraudulently or deceitfully manufactured by joining together metals of different standards of fineness, some of such metals being worse than the standard with the marks denoting which such article shall have been required by the worker to be marked, such plate shall be defaced, and the same or the value thereof, together with the money paid or left for the assay and touch thereof, shall be forfeited to the said incorporation or company to whose assay office the same shall be brought, to be by them applied towards the expenses of their said assay office: Provided always, that if on cutting, breaking, unsoldering, or otherwise testing the quality or manufacture of any such plate under the authority aforesaid, no unnecessary solder or other base metal shall be found therein, and no such fraud or deceit shall appear to have been practised in the manufacture thereof, the assayer and wardens so testing the same shall forthwith make recompense and satisfaction in money to the owner of such plate to the full amount of the damage done thereto, and charge the same to the account of the expenses of the assay office to which such article shall have been so brought; and in the event of the owner of such plate being dissatisfied with the judgment of the said assayer and wardens, the matter shall be settled and determined by two Justices or Magistrates of the city in which such assay office shall be situate, upon complaint being made to them by the party alleged to be injured; and such Justices or Magistrates may proceed by examination of witnesses on oath, if necessary, which oath they are hereby empowered to administer; and such sum as they shall see fit to award as the amount of damage shall be recoverable as a debt due from the said wardens, assayer, or other officer, to the party so injured as aforesaid.

vii. That the portion of the drawings or scrapings of each piece of gold or silver plate or ware so taken by the assayer as aforesaid for the purpose of making his assays shall be assayed by him, and if the same shall be found to be of a quality inferior to that standard with the marks denoting which the owner or owners thereof shall have required the piece wherefrom such drawings or scrapings shall have been taken to be marked, such piece shall be broken and defaced, and in such defaced state returned to the owner; and such pieces as the said assayer shall ascertain to be of equal or superior fineness to the standard for denoting which the said owner or owners shall have required the same to be marked shall be marked by the assayer with the marks hereby directed to be provided in that behalf, and delivered to the owner or bringer of such plate (he paying for the assay and marking thereof such sums as are hereby authorized to be charged and levied for assaying and marking such plate); and the drawings or scrapings belonging to such piece so marked shall be taken out of the assayer's box, and shall be deposited in boxes to be called the diet boxes to be provided for that purpose, the one of which shall be the box for gold and the other the box for silver, and in each of which boxes there shall be two compartments in such part thereof as shall be appropriated to the standard the marks of which shall have been stamped on the piece from which such drawings or scrapings shall have been

taken, and each of such diet boxes shall be locked with two different locks, the respective keys whereof shall be kept by the said deacon and chairman or presses respectively and by the assayer, and the said boxes shall not be opened except in the presence of the said court of wardens and the said assayer, and none of the scrapings or drawings shall be taken out of either of such boxes except for the purpose of trial of the diet annually as hereinafter directed; and the other portion of the said scrapings or drawings, or so much thereof as shall remain after the assay thereof, shall be deposited together in the assayer's box in the part thereof to be appropriated for that purpose, and the same shall be disposed of in manner hereinafter directed.

VIII. That the assayer of the said incorporation or company respectively shall, in the presence of the respective wardens thereof, four times in every year duly weigh all the drawings and scrapings deposited in the assayer's boxes, and enter the true weight thereof in a book to be kept for that purpose; and it shall then be lawful for the said wardens to sell such drawings and scrapings; and the produce of such sale shall be entered in their book of receipts and payments for and on the account of their said assay office, and shall be applied towards the expenses of such office.

IX. That the diet boxes belonging to the said incorporation and company respectively shall once in every year be opened in presence of the assayer and wardens thereof, who shall cause the diets contained therein, with a note of the alleged standards thereof respectively, to be delivered to such person or persons as shall from time to time be appointed by the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, or the Commissioners of His Majesty's Treasury or any three or more of them, for the trial of gold and silver plate in Scotland, and such person or persons shall give to the assayer whose diets are to be tried notice of the time and place appointed for such trial, in order that he may be present thereat if he thinks fit; and if upon such trial the said diets shall be found equal or superior to the alleged standards thereof respectively, then and in such case such person or persons shall return the said diets to or to the order of the wardens of the said incorporation and company respectively, who are hereby authorized to sell and dispose thereof, and, having entered the produce thereof in the book of receipts and payments of their said assay office, to pay and apply such produce for and towards the expenses of such assay office.

X. Provided, That if on the said trial the said diets or any of them shall be found inferior in fineness to the alleged standards thereof respectively, the assayer belonging to the said incorporation or company whose diets shall be so tried, shall forfeit and pay a sum not exceeding 100*l.*, to be levied, recovered, and applied in manner hereinafter mentioned.

XI. That every warden and assayer to be hereafter appointed by the said incorporation of Goldsmiths of Edinburgh, or Glasgow Goldsmiths Company, shall before entering upon their respective offices take an oath *de fidei administratione*, which oath the deacon or clerk of the said incorporation or company respectively is hereby required and empowered to administer to the said wardens and assayers respectively.

XII. That the assayers, wardens, or other officers of the said incorporation and company respectively shall not discover, by description in words or otherwise, to any person or persons whatsoever any pattern, design, or invention of any piece of gold or silver plate brought or to be brought to their respective assay offices to be assayed as aforesaid, or permit the same to be viewed or seen by any person whatsoever except by the persons necessarily employed or to be employed in their said assay offices; and such assayers respectively shall keep a book or books wherein shall be entered the names of every owner of plate brought to be assayed, and the several species and standards of plate assayed, and an account of the money received for the assaying thereof, and likewise an account of the monies arising from the drawings and scrapings of plate, and the times when the same shall be sold in manner hereinbefore directed, and also an account of the salaries and wages of the officers and servants, and of the other incidental expenses attending the carrying of this Act into execution; and every member of such incorporation and company respectively shall have free access to and inspection of such books; and if any such warden, assayer, or other officer shall, contrary to the true intent and meaning of this Act, discover any pattern or invention as aforesaid, such warden, assayer, or other officer shall for every such offence forfeit and pay a sum not exceeding 100*l.*, to be levied, recovered, and applied in manner hereinafter mentioned.

XIII. That the dies, punches, or marking instruments of the said incorporation and company shall be respectively locked up in a box, whereof the key shall be kept by the assayer of the said incorporation or company, to be used by him for the purpose of marking plate which shall have been assayed and ascertained to be of the proper standard; and if such assayer shall mark or cause to be marked with any mark or impression of the said incorporation or company any plate that has not been duly assayed and found of the proper standard, such assayer shall for every such offence forfeit and pay a sum not exceeding 100*l.*, to be levied, recovered, and applied in manner hereinafter mentioned, and shall also be deprived of his office, and be for ever afterwards incapable of exercising the office of assayer.

XIV. That it shall and may be lawful to and for the said incorporation and company, and each of them, or the major part of such incorporation or company, and they are hereby empowered, from time to time to make bye-laws, rules, and orders for the well government and management of their respective assay offices, and for fixing the salaries and emoluments of their officers employed therein, and for prescribing the time and manner for receiving and returning plate brought to be assayed and for every other purpose relative to the conduct and management of their respective assay offices.

XV. Provided, That in case the said sums or rates hereby allowed to the said incorporation and company respectively for the assaying and marking of plate shall in the whole be more than sufficient to defray the expenses of such assay offices respectively, the overplus shall be applied by such incorporation or company to which such assay office shall belong in the prosecution of suspected offenders against this Act; and if such overplus shall be more than shall be required for that purpose, such incorporation or company shall respectively reduce their rates or sums hereby authorized to be levied as aforesaid, or such of them as they in their discretion shall think proper to be reduced, to such rates or sums as will answer the purposes before mentioned without bringing any profit to such incorporation or company: Provided always, that if such reduced rates shall at any time be found insufficient for the purposes before mentioned, the same may be raised again as much as shall be necessary for such purposes, such rates however never exceeding the rates hereinbefore authorized to be levied; and the said assayers of the said incorporation and company respectively are hereby authorized and empowered to levy and take such reduced or raised rates or sums in manner hereinbefore provided with respect to rates or sums which may be originally imposed.

XVI. Provided, That nothing herein contained shall extend to render it necessary that any of the following wares of gold should be stamped or marked with any of the marks hereby required; (that is to say,) rings, collars for rings or other jewels, chains, necklace beads, lockets, medals, hollow or raised buttons, sleeve buttons, thimbles, coral sockets and bells, ferrils, pipe lighters, cranes for bottles, very small book clasps, stock or garter clasps jointed, very small nutmeg graters, rims of snuff-boxes whereof the tops and bottoms are made of shell or stone, sliding pencils, toothpick cases, tweezer cases, pencil cases, needle cases, any filigree work, any sorts of tipplings or awages on stone or ivory cases, any mounts, screws, or stoppers to stone or glass bottles or phials, any small or light ornaments put to amber or other eggs of urns, any wrought seals, or seals with cornelian or other stones set therein, or any gold vessel, plate, or manufacture so richly engraved, carved, or chased, or set with jewels or other stones, as not to admit of an assay to be taken thereof, or a mark to be struck thereon, without damaging, prejudicing, or defacing the same, or such other things as by reason of the smallness or thinness thereof are not capable of receiving the marks hereby required, or any of them, and not weighing ten pennyweights of gold each.

XVII. That nothing in this Act contained shall extend to render it necessary that any of the following wares of silver should be stamped or marked with any of the marks hereby required; (that is to say,) chains, necklace beads, lockets, any filigree work, shirt buckles or brooches, stamped medals, or spoons to china, stone or earthenware tea-pots, or any of them, of any weight whatsoever, or tipplings, awages, or mounts, or any of them, not weighing ten pennyweights of silver each, or any necks or collars for castors, cruetts, or glasses appertaining to any sort of stand or frame, or any ware of silver whatsoever, not weighing five pennyweights of silver each, or any buttons to be affixed or set on any wearing apparel, solid sleeve buttons, and solid studs, not having a bisulled edge soldered on, wrought seals, blank seals, bottle tickets, shoe clasps, patch boxes, buckles, or any pieces to garnish cabinets of knife cases or tea chests, or bridles, or stands, or frames.

XVIII. That if any goldsmith, silversmith, or worker or dealer in plate, or other person, shall knowingly sell, exchange, or keep or expose for sale, or export or attempt to export out of Scotland, any gold or silver plate or ware (except as herein is excepted) made or wrought after the said 1st of October 1836 which shall not respectively be marked with the proper marks hereinbefore required to be stamped on the kind and standard quality of which such respective plate or ware shall be, every person so offending shall for each piece of gold or silver plate so sold, exchanged, or kept or exposed for sale, or exported or attempted to be exported as aforesaid, forfeit and pay a sum not exceeding 100*l*., and shall also forfeit all such plate and ware not duly marked as aforesaid which shall be so sold, exchanged, or exposed or kept for sale, exported or attempted to be exported, such penalties and forfeitures to be levied, recovered, and applied in manner hereinafter mentioned.

XIX. That if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any die, punch, or other marking instrument, or any part of any die, punch, or marking instrument, used or provided or to be used or provided for striking or impressing any mark or impression by this Act directed to be used, or which in pursuance of this Act hath been or shall or may be used, by or under the direction of the said incorporation or company respectively, or by any maker or worker of gold or silver plate, or by or under the direction of any other person or persons legally authorized in that behalf, for the purpose of stamping or marking gold or silver plate; or if any person shall forge, counterfeit, or imitate, or shall cause or procure to be forged, counterfeited, or imitated, upon any gold or silver plate, or upon any ware or manufacture of base metal or mixture of metals, the stamp, mark, or impression, or any part of the stamp, mark, or impression of any such die, punch, or other marking instrument as aforesaid; or if any person shall stamp or mark, or shall cause or procure to be stamped or marked, any gold or silver plate, or any ware or manufacture of base metal, with any such forged or counterfeit die, punch, or marking instrument, or part of a die, punch, or marking instrument as aforesaid; or if any person shall transpose or remove, or shall cause or procure to be transposed or removed, from any piece of gold or silver plate to any other piece of plate either of gold or silver, or to any ware or manufacture of base metal, any mark or impression directed to be used or which hath been or shall or may be used as aforesaid; or if any person shall sell, exchange, or expose for sale, or shall export or attempt to export out of any part of Scotland, or shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any gold or silver plate, or any ware or manufacture of base metal, having thereupon the mark or impression of or from any such forged or counterfeit die, punch, or marking instrument as aforesaid, or having thereupon any such forged or counterfeit mark or impression as aforesaid, or any mark or impression which shall have been so transposed or removed as aforesaid, knowing the same respectively to be forged, counterfeit, transposed, or removed; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any such forged or counterfeit die, punch, or marking instrument, or part of a die, punch, or marking instrument as aforesaid; or if any person shall cut out of or sever from any piece of plate of gold or silver any mark or impression, or any part of any mark or impression, made with any such die, punch, or marking instrument as aforesaid, with intent that such mark or impression, or part of a mark or impression, shall or may be placed upon or joined or affixed to any other piece of plate either of gold or silver, or to any ware or manufacture of base metal; or if any person shall place upon or join or affix to any piece of plate, either of gold or silver, or any ware or manufacture of base metal, any such mark or impression, or any part of any such mark or impression, which hath been or shall have been cut out of or severed from any piece of plate of gold or silver; or if any person shall privately or secretly employ or use, or cause or procure to be employed or used, any genuine or lawful die, punch, or marking instrument so used or provided or to be used or provided as aforesaid; then and in every such case every such offender, and every person counselling, aiding or abetting such offender, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years, as the Court shall award.

XX. That upon information given before any Justice of the Peace upon the oath of one or more credible person or persons (which oath such Justice is hereby empowered and required to administer), that there is reasonable or probable cause to suspect any person of being or having been engaged or concerned in making any false or counterfeit die, punch, or other instrument, for the purpose of unlawfully marking any gold or silver plate, or any ware or manufacture of base metal or mixture of metals, or of being or having been engaged or concerned in the unlawful stamping or marking of any such plate, ware, or manufacture as aforesaid, or of being or having been unlawfully possessed of any such false or counterfeit die, punch, or instrument as aforesaid, or of any such plate, ware, or manufacture as aforesaid with any counterfeit mark or impression thereon, or of being or

having been engaged or concerned in fraudulently or unlawfully, or without due authority, marking or impressing any genuine or lawful die, punch, or instrument on any such plate, ware, or manufacture, or of being or having been unlawfully possessed of any such genuine or lawful die, punch, or instrument, or of being or having been engaged or concerned in the commission of any other felonious or fraudulent act or offence with relation to the assaying and marking of gold or silver plate, it shall be lawful for such Justice and he is hereby required, on the application of any warden or other officer of the said incorporation or company, to grant a warrant under his hand, directed to any constable, peace officer, or other person or persons named in such warrant, authorizing or empowering him or them, with such other person or persons as he or they shall call to his or their assistance, to enter and search any house, room, shop, warehouse, outhouse, building, or other place belonging to such suspected person, or where such person shall be suspected of being or having been engaged or concerned in the commission of any such offence as aforesaid, or where any such die, punch, or instrument, or plate, ware, or manufacture as aforesaid, shall be or shall be suspected to be, and there to search for, seize, and take away all such dies, punches, or instruments, and all such plate, wares, and manufactures as aforesaid, in order that the same may be given in evidence against any such offender; and all plate, wares, and manufactures which shall be lawfully seized as forfeited under any of the provisions of this Act by any officer of the said incorporation or company, or which shall be lawfully seized under any such warrant as aforesaid, granted on the application of any such officer shall be forfeited to the incorporation or company to which such officer shall belong, and shall be disposed of as such incorporation or company shall think fit.

XXI. That if any goldsmith, silversmith, or worker or dealer in wrought gold or silver plate, or any worker or dealer in any other metal, shall stamp or cause to be stamped any letter or letters upon any article or thing made of metal plated or covered with gold or silver, or of any metal or mixture of metals made or intended to resemble gold or silver, every such person or persons shall for every such offence forfeit and pay a sum not exceeding 100*l.* to be levied, recovered, and applied in manner hereinafter mentioned.

XXII. That all penalties and forfeitures imposed by this Act shall be recovered by any person or persons who shall sue for the same before any two Justices of the Peace having jurisdiction within the county, city, borough, or place in which the offence shall have been committed or where the alleged offender shall reside, or before the sheriff of any such county; and it shall be lawful for such Justices or sheriff to proceed in a summary way, and to grant warrant for bringing the parties complained of immediately before them or him, and on proof by the confession of the offender, or on the oath of one or more credible witnesses or witnesses or other legal evidence, forthwith to determine and give judgment in such complaint; and if on conviction the penalties hereby imposed be not immediately paid, the said Justices or sheriff are hereby empowered to grant warrant for the recovery thereof, and of the expenses decreed for, by poinding and sale, according to the law of Scotland; and in case such penalties shall not be forthwith paid upon conviction, and if by the confession of the offender, or the report of a sheriff's officer or constable, it shall appear that no sufficient goods or effects can be found within any place in the said county known to such officer or constable, then it shall be lawful for such Justices or sheriff, by a warrant under their or his hand, to cause such offender or offenders to be committed to the common gaol or house of correction for the said county where the matter of complaint may arise or for the nearest burgh in such county, there to remain without bail for such time as such Justices or sheriff shall direct, not exceeding six calendar months, unless such penalties and all reasonable charges attending the recovery thereof shall be sooner paid and satisfied; and the penalties so paid or recovered shall belong, one half thereof to the person or persons suing for the same, and the other half thereof to His Majesty, his heirs and successors: Provided always, that if any person or persons shall think himself, herself, or themselves aggrieved by any judgment of any such Justices, such person or persons may, upon finding caution to implement such judgment and to pay such costs as may be ordered in case the same shall be affirmed, appeal from the judgment of the said Justices to the Justices of the Peace at the next General Quarter Sessions for the county which shall happen not sooner than ten days after such judgment shall have been given; and the judgment of such sheriff, and of such Justices in Quarter Sessions, shall be final, and shall not be subject to review by advocacy, suspension, reduction, or otherwise.

XXIII. That in all prosecutions or other proceedings under this Act, or any Act or Acts of Parliament touching the assaying or marking of wrought or manufactured plate or ware of gold or silver, or any fraud in the manufacture thereof, or touching any duty or duties granted or to be granted to His Majesty upon such plate or ware, or touching any licence or licences required to be taken out by dealers in such plate or ware, any and every member and freeman of the said incorporation or company shall at all times in or before any Court or Magistrate be considered and received as a competent and credible witness to be examined and give evidence upon oath touching any felony, fraud, or other unlawful act with which any person or persons shall or may be charged or accused, notwithstanding any interest which such member or freeman may have or may be considered to have in the funds of the said incorporation or company, or as such member or freeman in the result of such prosecution or other proceeding.

XXIV. That nothing herein contained shall affect or alter, or be construed to affect or alter, the provisions of an Act, 59 Geo. 3. c. 28, intituled, 'An Act for establishing an Assay Office in the City of Glasgow,' but such Act shall continue in full force and effect, except so far as the same is expressly altered or varied by this Act; and that nothing herein contained shall in any manner supersede or annul any of the enactments, clauses, powers, offences, or penalties created by any Act or Acts now in force whereby any duty or duties are or have been granted to His Majesty on wrought or manufactured plate, or on any licence or licences which are or may be required to be taken out by dealers in such plate.

XXV. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. LXX.

AN ACT to facilitate the Conveyance of Sites for School Rooms.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Lords of manors may convey any part of commons or wastes as sites for poor schools.*
2. *All persons, including those incapacitated by law, may convey land for poor schools.*
3. *Ecclesiastical bodies, corporate or sole, may convey any portion of their lands as sites for poor schools, &c.*
4. *Provision for school rooms built before passing of this Act.*
5. *Conveyances may be made either for a valuable consideration or as a free gift.*
6. *Land to be conveyed not to exceed in quantity half an acre.*

By this Act,

After reciting, that it is expedient to promote the education of poor children in the principles of true religion and useful knowledge, and to afford additional facilities for the erection of school rooms to be used for that purpose :—

It is Enacted,

- I. That from and after the passing of this Act it shall be lawful for the lord or lady of any manor, whether seised in fee simple, fee tail, or for life, or being a corporation aggregate or sole, or a feme covert (with the consent of her husband) or a minor (with the consent of his or her guardian or guardians), or an idiot or lunatic (by his or her committee or committees), to convey to the incumbent and churchwardens of any parish in which a school for the education of poor children is intended to be erected, or to the trustees of any such school in any parish or extra-parochial place, so much of the common or waste grounds in any such parish or extra-parochial place as may be required for the site of such school, and of a house or houses for the master or mistress of such school; and the conveyance of such part of the common or waste grounds by the lord or lady of the manor wherein the same shall be situate shall be a good and sufficient conveyance for the purpose of vesting the fee simple and inheritance thereof in the parties to whom the same shall be conveyed, for the purpose hereinbefore specified, as fully and effectually as if every person having right of common upon such common or waste grounds had joined in and executed such conveyance.
- II. That it shall be lawful for all persons being seised in fee simple, fee tail, or for life, femes covert (with the consent of their husbands), minors (with the consent of their guardians), and idiots or lunatics (by their committees), to convey any portion of land of which they may respectively be seised, including copyhold land, if the lord or lady of the manor shall consent thereto, in the same manner, to the same persons, and for the same purpose as hereinbefore authorized with respect to common or waste ground.
- III. That it shall be lawful for any spiritual or ecclesiastical body corporate, or spiritual person being a corporation sole, to convey any portion of land belonging to any such body corporate, or belonging to any such spiritual person in the capacity of a corporation sole in respect of any ecclesiastical prebend held by him, to the incorporated national society for promoting the education of the poor in the principles of the established church, or to the minister and churchwardens for the time being of the parish wherein such land shall be situate, or to any trustees to be named by the bishop of the diocese, for the purpose of erecting thereon a school room or school rooms to be used for the education of poor children in the principles of the Christian religion, according to the doctrines and discipline of the united church of England and Ireland, and also, where it may be required, for the purpose of erecting thereon a house or houses for the master and mistress of such schools: Provided always, that in case of any spiritual person being a corporation sole, the consent of the bishop of the diocese shall be testified by his being a party to the conveyance of such land; and all conveyances made by virtue and according to the provisions of this Act shall be valid and effectual in law to all intents and purposes for vesting the fee simple and inheritance of the land conveyed thereby in the parties to whom the same shall be conveyed for the purpose hereinbefore specified.
- IV. That in any case where before the passing of this Act a school room or house for a schoolmaster or mistress shall have been built upon common or waste land of a manor, the lord or lady of which was not enabled by law to make a valid and effectual conveyance thereof, or on land belonging to any person or persons or corporation not enabled by law to make a valid and effectual conveyance thereof, such person or persons or corporation shall have, with respect to the site of such school room and house, all the powers which are by this Act given with respect to the conveyance of sites upon which school rooms or houses are intended to be built, subject in every case to the provisions in this Act contained as to the consent of the bishop of the diocese to the conveyance by a spiritual person being a corporation sole.
- V. That all conveyances by this Act authorized to be made shall be by bargain and sale enrolled, and may be so made either for a valuable consideration or as a free gift; and that if any money shall be paid to a spiritual person, being a corporation sole, the same shall be applied and disposed of for the benefit of such spiritual person and his successors, in such manner as the bishop in whose diocese the land so conveyed shall be situated shall, by writing under his hand to be registered in the registry of his diocese, direct and appoint.
- VI. Provided, That it shall not be lawful for any person or persons, corporation or corporations, by virtue of this Act to convey any common or waste ground being part of a manor, or any other land or ground, for the site of any school and house or houses for the master or mistress thereof, which shall exceed in quantity one half of a statute acre; and that the quantity and value thereof to be conveyed in every case shall be ascertained immediately previous to such conveyance by a land surveyor, to be appointed, in case the said land or ground shall belong to any spiritual or ecclesiastical body or person, by the

bishop of the diocese in which the land shall be situated, by an instrument under his hand ; and that the said instrument and the report of the survey and valuation by such surveyor (such report being verified by the declaration of the said surveyor before a Justice of the Peace, and in case the said land or ground shall belong to any spiritual or ecclesiastical body or person, signed by the bishop in testimony of his approbation thereof,) shall be annexed to the deed of conveyance.

CAP. LXXI.

AN ACT for the Commutation of Tithes in *England* and *Wales*.

(13th August 1836.)

[This Act is printed in the Appendix, page i.]

CAP. LXXII.

AN ACT to impose countervailing duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits removed from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, and to grant countervailing Drawbacks on the Removal of the same ; to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom ; and to alter the Laws relating to Distillers and Retailers of Spirits.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Countervailing duties set forth in the Schedule to be charged on the articles enumerated therein when removed from *Ireland* to *Scotland* or *England*, or from *Scotland* to *England*, and drawbacks to be allowed on removal of the same.
2. Duties and drawbacks to be under the management of the Commissioners of Excise.
3. Persons intending to remove any of the articles enumerated to give notice of his intention and obtain a permit.
4. On the arrival of the vessel in *England* or *Scotland*, entry to be made with the Collector or other officer of Excise of the articles on board, and the permit to be produced and duty paid.
5. Entry to be made of articles removed from *England* to *Scotland* or *Ireland*, or from *Scotland* to *Ireland*, and permit produced to obtain the drawback.
6. Customs regulations to apply to these articles.
7. Regulations as to drawbacks.
8. Articles not to be removed to or from *Scotland* otherwise than by sea.
9. Duties imposed by 4 & 5 Will. 4. c. 75. on licences to retailers of spirits repealed.
10. Distillers may warehouse spirits in casks containing not less than twenty gallons.
11. So much of 6 Geo. 4. c. 80. as prohibits retailers of spirits from having more than ten gallons of spirits of wine in stock repealed.
12. 2 Will. 4. c. 29. s. 4. repealed, and 4 Geo. 4. c. 94. s. 100. revived.
13. 2 Will. 4. c. 29. s. 5. repealed.
14. Regulations as to foreign spirits.
15. Operation of certain part of 6 & 7 Will. 4. c. 38. suspended, and former Excise laws relative to granting certain licences to remain in force.
16. Act may be altered this session.

By this Act,

After reciting that the duties by law charged and payable on spirits made or distilled in the respective parts of the United Kingdom are, for every gallon of spirits of the strength of hydrometer proof made or distilled in *England*, 7s. 6d. ; for every gallon of such spirits made or distilled in *Scotland*, 3s. 4d. ; and for every gallon of such spirits made or distilled in *Ireland*, 2s. 4d. : And that such differences in the respective amounts of the said duties operate unfairly and unjustly on the manufactures of all mixtures, compounds, and preparations into the manufacture of which spirits enter as the basis, or a principal ingredient or material thereof, and injuriously to the revenue when such articles are manufactured in and removed from that part of the United Kingdom paying the lower duty into those parts of the United Kingdom in which the higher duties are charged and paid, and also further operate as prohibitions to the removal of such articles from those parts of the United Kingdom paying the higher duty to the parts in which the Excise duties are chargeable : And that by the respective Acts of Union between *England* and *Scotland* and *Great Britain* and *Ireland* it is intended that all the subjects of the United Kingdom should as far as possible be placed on an equality in respect of trade and manufactures, and it is therefore necessary and expedient, in conformity with such intention, that countervailing duties should be imposed on the removal from *Ireland* to *England* or *Scotland*, or from *Scotland* to *England*, of the respective mixtures, compounds, preparations, and commodities in the Schedule to this Act mentioned, according to the quantity of proof spirit usually employed in the manufacturing and compounding of the same, and that corresponding drawbacks should be allowed : And that by 4 & 5 Will. 4. c. 75. certain additional duties of Excise were imposed on Excise licences taken out by retailers of spirits in *Great Britain* and *Ireland* : And

that it is expedient to repeal the said additional duties : And that it is expedient to allow spirits made or distilled in the United Kingdom to be warehoused in casks of a lesser size than eighty gallons, and to remove the restriction on retailers of spirits not to have more than ten gallons of spirits of wine in stock, and to repeal so much of 2 Will. 4. c. 29. as prevents any distiller in Scotland and Ireland from giving notice to distil from malt during the remainder of his licence, after having distilled from raw grain, and to restore the provision contained in an Act, 4 Geo. 4 :—

It is Enacted,

I. That from and after the 1st of September 1836 there shall be raised, levied, collected, and paid unto His Majesty, his heirs and successors, upon the several mixtures, compounds, preparations, and commodities mentioned and described in the Schedule to this Act annexed, on the removal of the same from Ireland to Scotland or England or from Scotland to England respectively, the several sums of money and duties of Excise as they are respectively inserted, described, and set forth in the said Schedule ; and that there shall be allowed and paid, on the removal of such mixtures, compounds, preparations, and commodities from England to Scotland or Ireland, or from Scotland to Ireland, the several drawbacks of Excise also respectively inserted, described, and set forth in the said Schedule.

II. That the said countervailing duties and drawbacks of Excise shall be under the management of the Commissioners of Excise, and the said duties shall be raised, levied, sued for, and recovered, received, accounted for, and paid over, and the said drawbacks shall be claimed, allowed, and paid, in the same manner, and by the like means, methods, and ways, and under the same laws, enactments, clauses, provisions, rules, and restrictions, pains, penalties, and forfeitures, (except as otherwise especially provided for by this Act,) as the other duties and drawbacks under the management of the Commissioners of Excise are raised, levied, sued for, and recovered, applied, accounted for, and paid over, claimed, allowed, and paid.

III. That every person who shall intend to ship any of the said mixtures, compounds, or preparations, or commodities, for removal from Ireland to Scotland or England, or from Scotland to England, or from England to Scotland or Ireland, or from Scotland to Ireland respectively, shall, twelve hours before shipping the same, give notice in writing of such his intention to the collector of Excise or other proper officer of Excise appointed to receive the same at the port of shipment, setting forth and specifying in such notice the number of casks or packages, or vessels or utensils, intended to be so removed, and also the mark and number on each such cask, package, vessel, or utensil, and the quantity and description of the mixtures, compounds, preparations, or commodities contained in each, and the name of the vessel and the master thereof by which and the name of the port or place to which the same are to be removed, and the name of the person or persons at such last-mentioned port or place to whom such mixtures, compounds, preparations, or commodities are to be sent ; and such persons shall also, at the foot or on the back of every such notice as aforesaid, request that a permit may be granted for the removal of such mixtures, compounds, preparations, or commodities, in conformity with the particulars thereof set forth and specified in such notice ; and the collector or officer of Excise to whom such notice shall be given shall on the receipt thereof be authorized to examine or cause to be examined every such cask, package, vessel, and utensil, and the marks and numbers, and contents thereof, and ascertain the truth of the particulars in such notice, and being satisfied thereof shall grant or cause to be granted a permit for the removal of such mixtures, compounds, preparations, or commodities, expressing in such permit, or by indorsement thereof, the several particulars aforesaid, of the number of casks, packages, vessels, or utensils, and the marks and numbers thereof, and the quantity and description of the mixtures, compounds, preparations, or commodities contained in each, with the names of the persons shipping the same and to whom the same are to be sent, and of the vessel and the master thereof by which and of the port and place from which and the port or place to which such mixtures, compounds, preparations, or commodities are to be removed ; and the collector or other officer granting such permit shall forthwith transmit by post a duplicate thereof to the collector or other principal officer of Excise at the port or place, or nearest thereto, to which such mixtures, compounds, preparations, or commodities are to be removed ; and if any such mixtures, compounds, preparations, or commodities shall be found on board any ship or vessel in Ireland bound for England or Scotland, or on board any ship or vessel in Scotland bound for England, without such notice of shipment having been given, or not accompanied with such permit as aforesaid, the same shall be forfeited, and may be seized by any officer of Excise or Customs, and the person who shall have shipped or caused to be shipped such mixtures, compounds, preparations, or commodities shall forfeit 200l.

IV. That the proprietor or consignee of any such mixtures, compounds, preparations, or commodities removed from Ireland into England or Scotland, or from Scotland into England, shall, on the arrival of the ship or vessel at the port or place into which the same shall be brought, make due entry with the collector or other officer of Excise appointed to receive the same at such port or place of such mixtures, compounds, preparations, or commodities on board such ship or vessel, and shall deliver to such collector or other officer the permit for the removal of the same, and shall pay to such collector or other officer the duties due and payable on such mixtures, compounds, preparations, or commodities, according to the provisions of this Act : and such collector, or other officer, having examined or caused to be examined the said mixtures, compounds, preparations, or commodities, and being satisfied that they are the same casks, packages, vessels, or utensils, mixtures, compounds, preparations, or commodities specified in the permit, and having received the duties payable thereon, shall deliver the same to the proprietor, consignee, or agent making such entry and producing such permit as aforesaid ; and if any of the said mixtures, compounds, preparations, or commodities shall be removed from Ireland to Scotland or England, or from Scotland to England, without being accompanied with such permit as aforesaid, or if within twenty-four hours after the arrival of any ship or vessel due entry of any such mixtures, compounds, preparations, or commodities on board thereof shall not be made, and the permit for the removal thereof produced, or if any such mixtures shall be removed from the quay, wharf, or place where landed before the duties thereon shall be duly paid, all such mixtures, compounds, preparations, and commodities shall be forfeited, and may be seized by any officer of Excise or Customs ; and every person who shall remove or aid or assist in removing any such mixtures, compounds, preparations, or commodities from Ireland into Scotland or England, or from Scotland into England, without such permit as aforesaid, or who shall remove any such mixtures, compounds, preparations, or commodities from the quay, wharf, or place where landed before the duties thereon shall have been paid, shall forfeit 200l.

V. That the proprietor or consignee of any such mixtures, compounds, preparations, or commodities removed from England into Scotland or Ireland, or from Scotland into Ireland, on drawback, shall, on the arrival of the ship or vessel at the port or

place into which the same shall be brought, make due entry with the collector of Excise or other officer of Excise appointed to receive the same at such port or place of such mixtures, compounds, preparations, or commodities on board such ship or vessel, and shall deliver to such collector or other officer the permit for the removal of the same; and such mixtures, compounds, preparations, or commodities, having been duly landed, and examined by such collector or other officer, or by his directions, and such collector or officer being satisfied that they are the same casks, packages, vessels, or utensils, mixtures, compounds, preparations, or commodities specified in the permit, shall give a debenture or certificate to the proprietor or consignee of the said mixtures, compounds, preparations, or commodities, making such entry and producing such permit, for the amount of drawback payable according to the provisions of this Act on the quantity of such mixtures, compounds, preparations, or commodities so brought into Scotland or Ireland respectively.

VI. That all the enactments, provisions, rules, and regulations, fines, penalties, and forfeitures, relating to goods subject to duties and drawbacks of Excise removed from Ireland to England or Scotland, or from Scotland to England, from England to Scotland or Ireland, or from Scotland to Ireland, contained in any Act or Acts relating to the revenues of Customs shall extend to and be in force in respect of the removal of the said mixtures, compounds, preparations, and commodities.

VII. That no drawback under this Act shall be claimed or allowed on any ether which shall be removed from England to Scotland or Ireland, or from Scotland to Ireland, of a greater specific gravity than 750; nor shall any sweet spirits of nitre be removed from Ireland to England or Scotland, or from Scotland to England, of a less specific gravity than 850; nor shall any such spirits of nitre be removed from England to Scotland or Ireland, or from Scotland to Ireland, on drawback, of a greater specific gravity than 850; water being taken for the purpose of such specific gravities at 1000 at the temperature of sixty degrees by Fahrenheit's thermometer; and none of the tinctures and medicated spirits not particularly denominated in the Schedule to this Act, but to be charged at the respective duties and allowed the respective drawbacks of 4s. 2d., 5s. 2d., and 1s. for each gallon thereof, shall be removed from Ireland into England or Scotland, or from Scotland into England, which shall contain more, nor shall any such tinctures and medicated spirits, when removed from England to Scotland or Ireland, or from Scotland to Ireland, on drawback, contain less than in the proportion of one gallon of proof spirit in every gallon thereof; and none other of the said mixtures, compounds, preparations, and commodities in the said Schedule enumerated shall, when so removed as aforesaid, contain more, when removed from Ireland to England or Scotland, or from Scotland to England, or less when removed on drawback, than in the proportion of one gallon and a half of proof spirit for every gallon thereof; all ether, spirits of nitre, and all such tinctures and medicated spirits, mixtures, compounds, preparations, and commodities which shall be so removed contrary to the directions aforesaid, shall be forfeited, and may be seized by any officer of Excise or Customs; and any drawback claimed thereon respectively shall also be forfeited.

VIII. That none of the said mixtures, compounds, preparations, or commodities shall be removed from England to Scotland, nor from Scotland to England, otherwise than by sea, on pain of the forfeiture thereof, and 200l. by the person removing the same.

IX. That from and after the 10th of October 1836 the said additional duties of Excise on Excise licences taken out by retailers of spirits imposed by the said recited Act, 4 & 5 Will. 4. c. 75, shall be and the same are hereby repealed.

X. That it shall be lawful for any distiller of spirits in England, Scotland, or Ireland to warehouse any spirits distilled in the distillery of such distiller, in casks, which shall contain not less than twenty gallons each, subject to and under in all other respects the rules, regulations, enactments, fines, penalties, and forfeitures in force in England, Scotland, and Ireland respectively relating to the distilling, warehousing, and removal of such spirits.

XI. That so much of 6 Geo. 4. c. 80, as prohibits retailers of British spirits from selling or sending out, or receiving, or having or keeping in their stock, custody, or possession, any spirits of wine exceeding at one time ten gallons, shall be and the same is hereby repealed; and in lieu thereof it shall be lawful for any retailer of spirits to sell or send out, receive, or have in his stock, custody, or possession, any quantity of spirits of wine, under the same rules and regulations and subject to the same penalties and forfeitures as are in and by the said Act prescribed and imposed in respect to spirits of wine sold or sent out or received by or kept in the stock or possession of a dealer in spirits.

XII. That so much of the said recited Act, 2 Will. 4. c. 29, as enacts that so much of 4 Geo. 4. c. 94, as provides and enacts, that if any distiller who shall have given any such notice of using malted corn only as aforesaid shall intend to commence or recommence to use unmalted corn or grain, or malt mixed with unmalted grain, at any time when there shall not be any wort or wash in the distillery of such distiller, such time being at least one calendar month distant from the time such distiller began to use malt only under any such notice, it shall be lawful for such distiller, on giving six days previous notice to the proper officer, so to commence or recommence to use unmalted grain; and such distiller shall not thereafter be liable to any such penalty aforesaid, or be entitled to any such allowance; provided also, that if any distiller using unmalted corn and grain shall be desirous of commencing or recommencing to use malted corn only as aforesaid at any time when there shall not be any wort or wash in the distillery of such distiller, such time being at least one calendar month from the time such distiller shall have commenced or recommenced using unmalted grain as aforesaid, it shall be lawful for such distiller, on giving six days notice as aforesaid, so to commence or recommence to use malted corn only, shall be and the same is hereby repealed; and the said enactment in the said Act, 4 Geo. 4. c. 94, so repealed, shall be and is hereby revived, and shall be in full force as if the same had not been repealed: Provided always, that distillers in Scotland and Ireland distilling from malt only, and claiming the allowance on the spirits distilled by them, shall continue subject to all the other regulations in the said recited Act, 2 Will. 4. not repealed by this Act.

XIII. That so much of the said recited Act, 2 Will. 4. c. 29, as enacts, that every distiller who shall be licensed at the time of the said Act commencing and taking effect, and who shall intend to use malt only, and to claim the allowance herein granted, shall within one month after the commencement of the said Act, and before he shall commence to brew any wort or wash, give notice in writing to the proper officer of Excise in charge of his distillery, in which notice shall be stated that such distiller intends to use malt only, not being mixed with any unmalted corn or grain whatever, during the continuance of his licence; and every distiller who shall be licensed after the commencement of the said Act, or who shall renew his licence on

the expiration of any former licence, and who shall intend to use malt only, and to claim the said allowance, shall, at the time of taking out or renewing his licence, give a like notice to the officer in charge of his distillery; and no allowance shall be granted or payable to any distiller who shall not have given such notice at the times thereinbefore mentioned; and if any distiller, having given any such notice, shall withdraw the same, and commence to use raw grain, which he may be allowed to do at any time after the expiration of one month from the date of such notice, it shall not be lawful for such distiller in such distillery, or for any other person licensed for the same premises, to give any other notice of his intention to use malt only, or to receive any allowance in respect of spirits distilled from malt during the remainder of the year for which the licence of such distiller has been granted, shall be and the same is hereby repealed.

And after noticing that doubts are entertained whether dealers in spirits can lawfully receive and keep in stock foreign or colonial spirits at a less strength than seventeen per cent. under proof; for obviating such doubts—

It is Enacted,

xiv. That it shall be lawful for any dealer in spirits, not being also a retailer, to receive and keep in his stock, and to sell, send out, and deliver to any other dealer in spirits, or to any person not being a retailer of spirits, any foreign or colonial spirits at any degree of strength, subject to the regulations in other respects under which dealers in spirits can legally receive, keep, sell, send out, or deliver spirits.

And after reciting that by 6 & 7 Will. 4. c. 38. it is amongst other things enacted, that from and after the passing of this Act no person in Ireland who shall be duly licensed under any Act or Acts for granting Excise licences to deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper, nor any person deemed a grocer within the meaning of the laws of the Excise in force in Ireland at or immediately before the passing of this Act, shall be entitled to take out any licence to retail spirits in the house or on the premises of such retailer, or in any house or on any premises within one quarter of a mile of the house or premises of such retailer, other than a licence to retail spirits in quantities not less at one time than one pint, and to be consumed elsewhere than in the house or on the premises of such retailer, and any licence to retail spirits in any other manner granted after the passing of this Act to any such grocer or person so licensed as aforesaid shall be wholly null and void to all intents and purposes whatsoever: And that it is expedient that the operation of the said provision should be suspended:—

It is Enacted,

xv. That so much of the said Act as is hereinbefore recited shall be suspended and not come into operation, and that the several laws of Excise with respect to the grant of Excise licences to retail spirits to any person or persons duly licensed to deal in or sell coffee, tea, cocoa nuts, chocolate, or pepper, or to any person deemed a grocer within the meaning of the Excise laws in Ireland in force at or immediately before the passing of the said Act, shall continue in force until the 1st of August 1837, and to the end of the then next session of Parliament; anything in the said Act of the present session to the contrary notwithstanding.

xvi. That this Act may be repealed, altered, or amended by any Act to be passed in this present session of Parliament.

SCHEDULE to which the foregoing Act refers.

ARTICLES ENUMERATED. For every gallon thereof removed.....	Countervailing Duties.		
	From Scotland to England.	From Ireland to England.	From Ireland to Scotland.
Ether	£. s. d. 0 10 5	£. s. d. 0 12 11	£. s. d. 0 2 6
Sweet Spirits of Nitre			
Camphorated Spirits			
Lavender Water and other Perfumes, being Spirits scented with Essential Oils, Flowers, or other Ingredients			
Compound Spirits of Lavender			
Spirits of Rosemary			
Spirits of Ammonia			
Salvolatile	0 6 3	0 7 9	0 1 6
Friars Balsam			
Compound Tincture of Benzoin			
Tincture of Asafoetida			
Tincture of Castor			
Tincture of Kino			
Tincture of Guaiacum			
Tincture of Myrrh			
Tincture of Ginger			
Spirit Varnishes			
Other Tinctures and Medicated Spirits	0 4 2	0 5 2	0 1 0
Sweets or Made Wines	0 0 5	0 0 6	0 0 2

ARTICLES ENUMERATED. For every Gallon thereof removed.....	Countervailing Drawbacks.								
	From England to Scotland.			From England to Ireland.			From Scotland to Ireland.		
Ether.....	£.	s.	d.	£.	s.	d.	£.	s.	d.
Sweet Spirits of Nitre.....	0	10	5	0	12	11	0	2	6
Camphorated Spirits.....									
Lavender Water and other Perfumes, being spirits scented with Essen- tial Oils, Flowers, or other ingredients.....									
Compound Spirits of Lavender.....									
Spirits of Rosemary.....									
Spirits of Ammonia.....									
Salvolatile.....	0	6	3	0	7	9	0	1	6
Friars Balsam.....									
Compound Tincture of Benzoin.....									
Tincture of Assafetida.....									
Tincture of Castor ..									
Tincture of Kino.....									
Tincture of Guaiacum.....									
Tincture of Myrrh.....									
Tincture of Ginger.....									
Spirit Varnishes.....									
Other Tinctures and Medicated Spirits.....	0	4	2	0	5	2	0	1	0
Sweets or Made Wines.....	0	0	5	0	0	6	0	0	2

CAP. LXXIII.

AN ACT to continue until the First Day of *July* next, and from thence to the End of the then next Session of Parliament, an Act passed in the Fifth and Sixth Years of His present Majesty, relating to the Dispatch of Business done by the Court of Exchequer in *Scotland*.

(13th August 1836.)

By this Act, 5 & 6 Will. 4. c. 46. is continued until the time mentioned in the title.

CAP. LXXIV.—IRELAND.

AN ACT to abolish certain Offices connected with the Court of Chancery in *Ireland*, and to provide for the Performance of the Duties thereof.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

- Office of clerk of the crown and hanaper, and offices of usher, six clerks, and cursitor of Court of Chancery, abolished.
- Appointment of new clerk of crown and hanaper; his salary and duties.
- Clerk of the crown and hanaper to employ two clerks, and receive and account for fees named in 4 Geo. 4. c. 61.
- Appointment of clerk of the affidavits and one assistant, with scrivenary clerks; their salaries and duties.
- Clerk of affidavits to compare and attest copies of affidavits.
- Appointment of two clerks in court, and clerk of appearances and writs, with two assistants.
- Lord Chancellor and Master of the Rolls to make rules for performance of duties of abolished officers.
- Writ of subpoena to be an open writ, and sealed with the seal of the clerk of appearances and writs.
- Clerk of appearances and writs to receive the fees now payable to the six clerks and cursitor, and thereout defray salaries, &c.
- Clerks of affidavits and of appearances and writs to account quarterly for monies received by them, and balance to be carried to the Suits Fee Fund Account.
- New establishment of the registrars office.
- Duties of registrars and assistant registrar.
- Registrars to receive fees, and to pay the salaries of assistant registrar and clerks.
- Limitation of salaries of registrars.
- Registrars to account quarterly for fees received by them.
- For making good deficiency in registrars salaries.
- For appointment of additional clerks.

18. Officers may appoint deputies in case of illness.
19. Officers not to act as attornies or solicitors on pain of dismissal.
20. Fee of 6d. in the pound payable to the usher to continue till cessation of the compensation to officers.
21. Surplus of Suits Fee Fund to be invested in government stock.
22. When Suits Fee Fund is more than sufficient for answering salaries, &c. the Chancellor may abolish any fee.
23. Compensation to be made to the six clerks, usher, and cursitor, and account laid before Parliament.
24. Treasury may refer claims for compensations to Commissioners according to 4 & 5 Will. 4. c. 78.
25. Out of what fund compensations to be paid.
26. Compensation to persons in the six clerk, cursitor, and registrars offices.
27. Provision for payment of annual allowance to John Daly.
28. Compensation to certain officers to be ordered by Lord High Treasurer or Commissioners of Treasury.
29. As to compensation to John Brennan under 4 Geo. 4. c. 61, and 6 Geo. 4. c. 30.
30. Lord Chancellor and Master of the Rolls may direct remuneration to clerk of enrolments for increased duties.
31. Payment and orders for payment, &c. of money not subject to usher's poundage, or any fee.
32. So much of 4 Geo. 4. c. 61. as is inconsistent with this Act repealed, and such parts as are applicable to extend to it.
33. Extraordinary Commissioners may take acknowledgments of recognizances.
34. Commission of bankrupt issued after 1st July 1836 to have the same effect as if issued before that day.
35. Same powers to Lord Keeper or Lords Commissioners as to Lord Chancellor.
36. Commencement of Act.
37. Act may be altered, &c. this session.

By this Act,

After reciting that it is expedient that the offices hereinafter mentioned should be abolished, and provision made for the due performance of the duties thereunto belonging, and that other offices connected with the said court should be regulated, and that such of the duties performed in the offices so to be abolished as are necessary to be continued should be transferred to other offices:—

It is Enacted,

I. That the office of clerk of the crown and hanaper in Ireland shall utterly cease from and after the determination of the existing interest of the present possessor of the said office; and that the offices of usher of the said Court of Chancery, of six clerks of the said court, and the office of cursitor of the said court, shall be and the same are hereby abolished: Provided always, that nothing herein contained shall be construed to deprive the present usher of the fees of poundage which he is now by law entitled to receive, but that he shall receive the same as heretofore, anything in this Act to the contrary notwithstanding.

II. That upon such determination of the interest of the present possessor of the said office of clerk of the crown and hanaper it shall and may be lawful for His Majesty, his heirs and successors, under his and their royal sign manual, to nominate and appoint a fit person to be clerk of the crown and hanaper, and so from time to time as a vacancy may occur therein; and that such person so to be nominated and appointed shall hold the said office during good behaviour, notwithstanding the demise of His Majesty or of any of his heirs and successors; and that the persons so to be appointed to such office shall receive and be paid a salary of 600*l.* per annum, and shall and they are hereby required personally to do and perform all such matters and things necessary and proper in the due execution of the business of the said office, and as have been heretofore done and performed by the deputy of the said clerk of the crown and hanaper.

III. That the said clerk of the crown and hanaper shall and may employ two clerks in his office, to be approved of by the Lord Chancellor, to aid in the discharge of the duties thereof, at the respective salaries of 150*l.* and 100*l.* per annum; and that it shall and may be lawful for the said clerk of the crown and hanaper to receive and take all and every the fees and emoluments mentioned and set forth in the Table, number ten, annexed to an Act, 4 Geo. 4. c. 61, intituled, 'An Act for the better Administration of Justice in the Court of Chancery in Ireland;' and that the said clerk of the crown and hanaper shall be at liberty thereout to retain his salary, and to pay the respective salaries to the said clerks, and other incidental and necessary expenses of the said office, to be approved of by the Lord Chancellor; and that such fees and emoluments shall be accounted for on oath once in every quarter before one of the Masters of the said court, and the balance, if any, paid into the Bank of Ireland within fourteen days from the end of every quarter, to the credit of the Accountant General of the Court of Chancery, to be by him placed to an account to be intituled, 'The Suits Fee Fund Account;' and in case such fees shall not be sufficient to pay the several salaries, and the other incidental expenses of the said office, the deficiency shall be paid out of the monies standing to the credit of the Suits Fee Fund Account.

IV. That there shall be an officer to be called the "Clerk of the Affidavits," who shall do and perform all the duties heretofore done and performed by the usher of the court or his deputy; and that there shall be one assistant clerk to the said clerk of the affidavits, with one or more scrivenerly clerks as shall appear necessary for the due discharge of the duties of the office, to be approved of by the Lord Chancellor, and that Charles Hogan Esquire, one of the present six clerks, shall be such clerk of affidavits, and Simon Maddock such assistant clerk; and that upon the happening of a vacancy in the office of clerk of affidavits or assistant clerk, the Lord Chancellor shall appoint some fit person thereto, by writing under his hand, to be entered in the registrar's office of the said court; and such clerk of affidavits shall be allowed out of the fees to be received the annual sum of 600*l.*, the assistant clerk the annual sum of 150*l.*, and the scrivenerly clerk or clerks such salary or salaries or allowances as the Lord Chancellor from time to time shall direct; and that such clerk of affidavits and his clerk shall and may take and receive such fees as are now receivable by the usher, (save and except the poundage on cash paid out of court,) and the said clerk of affidavits shall and may thereout retain and deduct the respective sums hereby made payable to him and the said assistant clerk respectively, together with such other sum for the salaries or allowances to the scrivenerly clerks, and the incidental and necessary expenses of the office, as the Lord Chancellor may from time to time allow, and shall account for such fees in the manner hereinafter mentioned; and that in ascertaining and fixing the compensation of the said Charles Hogan under the pro-

visions of this Act, in relation to the said office of six clerk so abolished as aforesaid, due regard shall be had to the said office of clerk of affidavits, to which the said Charles Hogan has been so appointed under this Act in manner aforesaid.

v. That it shall be the duty of such clerk of affidavits to cause every copy of affidavits to be duly compared with the original from which it shall be made before he shall attest the same, and that such clerk of affidavits shall be responsible for the accuracy of every copy so attested by him.

vi. That in order to provide for such of the duties heretofore performed by and in the office of the six clerks as are necessary to be continued and also for the duties which now are performed in the office of curators of the court, there shall be the several officers following; videlicet, two officers, to be called "Clerks in Court," whose duty it shall be, one to attend the Lord Chancellor's Court, and the other the Rolls Court, for the purpose of reading all documents necessary to be read in court, and discharging such other duties as shall be prescribed to them under the general orders to be made by the Lord Chancellor, with the advice and assistance of the Master of the Rolls, in manner hereinafter enacted; and an officer to be called "Clerk of the Appearances and Writs"; and that there shall be two assistant clerks to the said clerk of the appearances and writs; and that John William Ball and Henry Darley Esquires, two of the present six clerks, shall be clerks in court, and Yelverton Dawson Esquire, one other of the present six clerks, clerk of the appearances and writs, and Nicholas Keatinge Esquire, and John Albert Mons the assistant clerks; and that on the death, resignation, or removal of any of the said several officers, the vacancy thereby occasioned shall be filled up from time to time by the Master of the Rolls, by an appointment in writing, to be entered in the registrar's office; and that in ascertaining and fixing the compensation to the said John William Ball, Henry Darley, and Yelverton Dawson, due regard shall be had to the said offices to which they have been so respectively appointed under this Act; but that it shall be lawful for the said John William Ball, Henry Darley, Yelverton Dawson, and Charles Hogan to retire from their said offices; and, in the event of their so doing, that they shall be entitled to be paid the same amount of annual compensation to which they would have been entitled in case they had not accepted office under this Act.

vii. That the duties of the several officers, and such of the duties of the said six clerks as may be necessary to be performed by any of the other officers of the court, or by the solicitors of the parties, shall be performed in such manner and under such rules and regulations as the Lord Chancellor, by and with the advice and assistance of the Master of the Rolls, shall by any general rules or orders to be issued for that purpose order or direct; and that all notices, summonses, orders, and other matters which have heretofore been served by and on the said six clerks shall be served by and on the solicitors of the parties, save where it shall be otherwise directed by such general rules or orders to be issued as aforesaid; and such solicitors shall be entitled to charge such fee for such duties as the Lord Chancellor, with the assistance of the Master of the Rolls, shall by general order fix and determine; and that the signature by the solicitor to all pleadings and documents heretofore required to be signed by the six clerk shall be deemed and taken as sufficient.

viii. That the clerk of the appearances and writs shall provide a seal, in such form and with such impression as the Lord Chancellor shall approve of; and that the solicitor for the party desirous of issuing a writ of subpoena may prepare such subpoena, and present the same to the clerk of the appearances and writs for sealing, and the same shall henceforth be an open writ, and either in the present form or any other form which the Lord Chancellor may from time to time direct, and such writ shall, upon presentment thereof for that purpose, be forthwith sealed with such seal, and shall have the same force and validity as a writ of subpoena now has when sealed with the great seal; and there shall hereafter be paid to the clerk of the appearances and writs for each such subpoena, on the same being sealed, such sum as the Lord Chancellor, with the advice and assistance of the Master of the Rolls, shall from time to time order and direct.

ix. That the clerk of the appearances and writs shall receive, in such manner as the Lord Chancellor, with the assistance of the Master of the Rolls, shall by general order from time to time direct, the fees which by law are now receivable by the six clerks, or so many of such fees as shall be deemed necessary for the purpose of paying the salaries hereby made payable thereout to the several officers, and of forming a fund for making compensation to such six clerks, and shall also receive the fees now receivable by the curators of the said court, and shall and may thereout pay and retain the several annual sums following; that is to say, to the two clerks in court the annual sum of 600*l.* each, the clerk of the appearances and writs the annual sum of 600*l.*, to the first assistant clerk the annual sum of 300*l.* and to the second assistant clerk the annual sum of 150*l.* together with such other sum for the incidental and necessary expenses of their offices respectively as the Lord Chancellor may from time to time allow; and such clerk of appearances and writs shall account for such fees in manner hereinafter mentioned.

x. That the clerk of affidavits and the clerk of the appearances and writs shall respectively pay into the Bank of Ireland, to the credit of the said Accountant General, such sums of money as they shall respectively receive, at such periods and under such regulations as the Lord Chancellor shall from time to time by any general order direct; and that they shall respectively account on oath once in every quarter before one of the Masters of the said court for all fees and sums of money received and paid by them respectively, and shall pay the balance thereof into the Bank of Ireland, to the credit of the said Accountant General, within fourteen days from the end of every quarter; and all such sums of money when so paid in shall be from time to time placed to the account of the "Suits Fee Fund Account."

And after noticing that it is expedient that the office of the registrars of the said court should be regulated:—

It is Enacted,

xi. That the establishment of the registrars office shall consist of two registrars, one assistant registrar, and six clerks, and such a number of scrivenerly clerks as the service of the said office shall require, and as shall be approved of by the Lord Chancellor; and that Francis Prendergast and Charles O'Keefe Esquires shall continue to be such registrars, and Robert Long Esquire shall be the assistant registrar, and Yelverton O'Keefe, John Kelly, William Young, Robert Levy, John Connor, and Thomas Battley shall be continued as such clerks, and that Francis Whelan and John Kelly Junior shall act as assistant clerks in the said office; and that upon the happening of a vacancy in the office of either of the said registrars, such vacancy shall be filled up by the assistant registrar; and that upon a vacancy happening in the office of assistant registrar, the same shall be filled up by the chief clerk, if no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and in that case if the Lord Chancellor shall not consider him to be qualified, then the Lord Chancellor shall, until after making

tioned, appoint some proper person to be assistant registrar; and as vacancies may occur in the office of any of the present clerks or assistant clerks, such vacancies shall not be filled up until the whole number of clerks be reduced to six; and upon a vacancy happening after the number shall be reduced to six, the Lord Chancellor shall appoint some proper person to fill the office, and so from time to time until the whole of the present clerks shall be removed; and when a new succession of clerks shall be so appointed, then and in that case, upon the death, resignation, or removal of any of them, other than the junior clerk, the vacancy thereby occasioned shall be filled up by the clerk next in seniority to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made; and that on all future vacancies in the office of junior clerk the Lord Chancellor shall appoint some proper person to be such junior clerk; and that upon a vacancy happening in the office of assistant registrar after the whole number of clerks shall have been appointed by the Lord Chancellor under this Act, then such vacancy shall be filled up by the senior clerk in the said office for the time being to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made.

XII. That the said registrars shall attend the court of the Lord Chancellor and the court of the Master of the Rolls as heretofore; and that the duty of the assistant registrar shall be to attend and superintend the general business of the office; and such assistant registrar shall be and he is hereby empowered to countersign the drafts of the Accountant General, and to sign official documents, and to do all official acts necessary in the execution of the duties of the office, in the same manner as the said registrars are authorized to do.

XIII. That the registrars of the said court shall receive the fees and emoluments which they are now or which at any time hereafter they shall be authorized to receive, and shall thereout pay to the said assistant registrar the salary or yearly sum of 1000*l.* and to the present clerks to the said registrars the several salaries or yearly sums set opposite to their respective names or titles in the first Schedule to this Act annexed, and to all future clerks to be appointed under and in pursuance of this Act the several salaries or yearly sums set forth in the second Schedule to this Act annexed; and the residue of such fees shall be appropriated as hereinafter directed.

XIV. That in case such fees, after payment of the several salaries aforesaid, and such sum as the Lord Chancellor for the time being may allow for books, paper, scrivenerly clerks, and other incidental and necessary expenses of the said office, shall exceed in amount the clear sum of 2000*l.* per annum to each of the present registrars, and 1500*l.* per annum to any future registrar to be appointed, such excess shall be paid over as after mentioned; and that any person to be hereafter appointed registrar on the happening of a vacancy in the office of either of the present registrars, the fees and emoluments of such future registrar shall be limited to the clear sum of 1500*l.* per annum.

XV. That for the purpose of ascertaining the fees and emoluments of the registrars for the time being they shall every quarter in the year, beginning on the quarter next after the commencement of this Act, account on oath before one of the Masters of this court for all fees and sums of money received by them or for their use, and of the sums from time to time paid by them thereout for salaries to the several officers aforesaid, and for other official expenses to be allowed as aforesaid; and whenever and so often as it shall appear by such account that the sums received by or payable to such registrars in any one quarter of a year shall exceed the clear sum of 500*l.* to each of the present registrars, or of 375*l.* to any future registrar to be appointed (after deducting thereout the salaries and expenses aforesaid), the said registrars shall, within fourteen days next after every such quarter of a year, pay the amount of such excess into the Bank of Ireland, to the credit of the Accountant General of the said Court, to be placed by him to the account to be intitled "The Suits Fee Fund Account."

XVI. That if at any time it shall appear by the said account that the sums received by or for the use of the registrars in respect of their said office in any one quarter, after making the deductions hereinbefore mentioned, shall be less than the sum of 500*l.* to each of the present registrars, and 375*l.* to any future registrar, the deficiency shall be paid to them by the said Accountant General out of the monies standing to the credit of "The Suits Fee Fund Account."

XVII. That if it shall hereafter appear to the Lord Chancellor that the business of any of the offices of the said court cannot be discharged with due dispatch without the assistance of an additional clerk or clerks, then and in such case it shall be lawful for the Lord Chancellor from time to time to direct that one or more additional clerk or clerks shall be appointed, with such salary and salaries as he shall deem proper, to be paid out of the funds of the respective offices to which such clerk or clerks shall be appointed; and such additional clerk or clerks shall be appointed by the Judge for the time being who may have the right of appointing the other clerks in the said office.

XVIII. That in case of illness or other necessary cause of absence it shall be lawful for any of the officers filling the respective offices hereinbefore mentioned, from time to time as occasion may require, to appoint a deputy, such deputy, and also the occasion for such appointment, to be first approved by the Judge on whom it shall be the duty of such officer to attend, upon a petition, to be verified by affidavit, for such time and under such regulations as the Judge shall direct; and no such appointment of a deputy shall continue for any longer time than shall be allowed and specified in and by the order which shall be made on such petition; and that such deputy shall be paid out of the salary or fees of such officer such sum as shall be directed by the said order.

XIX. That it shall not be lawful for any person who shall be appointed to hold any of the offices of the said court to act or practise, either in his own name or in the name of any other person or persons, as an attorney or solicitor in any of the courts at law or equity in Ireland; and in case it shall appear, by evidence to the satisfaction of the Lord Chancellor, that any such officer or person shall directly or indirectly, by himself or any other person in partnership with or in trust for him, act as such attorney or solicitor, the Lord Chancellor shall and may thereupon remove him from his office.

And after reciting, that it may be found expedient that the fee of 6*d.* in the pound payable to the usher of the Court of Chancery, or some portion thereof, should continue to be paid after the death of the present usher, in aid of the fund for providing compensation for the several officers aforesaid:—

It is Enacted,

xx. That such fee of 6*d.* in the pound now payable to the usher shall be continued to be deducted by the Accountant General during the life of the Hon. Richard Hobart Fitzgibbon, the present usher, and be paid over to him; and that in case after his death the Lord Chancellor shall consider it necessary that the said fee or any portion thereof shall be continued for the purpose of providing a fund for the payment of the compensation to be made to the said officers or any of them, it shall be lawful for him to make an order for continuing the payment of said fee or any portion thereof for any period he may think necessary, and from time to time to vary such order as he may think fit; and the Accountant General shall during the period specified in said order place the sums received in pursuance thereof to the credit of the said account to be intituled "The Sutors Fee Fund Account," anything in the said recited Act to the contrary notwithstanding: Provided always however, that whenever the compensation to be made to the several officers aforesaid shall cease to be payable, and the sums, if any, advanced out of the Consolidated Fund in aid thereof shall have been repaid, the said fee shall absolutely cease and be abolished.

xxi. That any surplus monies standing in the name of the Accountant General to the account aforesaid, after paying and providing for the several charges thereon, shall from time to time be laid out and invested by the Accountant General, either in one entire sum or in parcels in the name of the said Accountant General, in government stock, and such stock shall be placed to the like account, and such surplus funds shall be subject to the same purposes, as the original funds with which the same were purchased.

xxii. That whenever it shall appear that the monies and securities standing to the account to be intituled "The Sutors Fee Fund Account," together with the interest and dividends thereof, and the fees expectant and to be payable to such account, shall be more than sufficient to answer and pay the several salaries and other payments for the time being chargeable thereon, and to repay such sum, if any, as may have been advanced out of the Consolidated Fund in aid thereof, it shall be lawful for the Lord Chancellor to abolish any fee, or to reduce other fees, as may to the said Lord Chancellor from time to time seem fit, and as the compensations payable thereout may cease.

And after reciting that by 4 & 5 Will. 4. c. 78, after reciting that it was reasonable and just that the six clerks of the said court, being purchasers of and entitled to sell at pleasure their respective offices, should receive for any diminution of annual income, and also for any depreciation of purchase value of their offices, full and adequate compensation, and also that such of the other officers of the said court as the Commissioners of His Majesty's Treasury thereafter provided should think entitled thereto should also receive compensation for lawful fees and emoluments diminished or taken away, it was enacted, that it should be lawful for the Commissioners of His Majesty's Treasury for the time being, by warrant under their hands, to order and direct that such compensation should be made to the said six clerks respectively, and to such other officers who then held office in or belonging to the said court, as the said Commissioners in their discretion should deem just and reasonable; and it was by the said recited Act further enacted, that the several and respective sums for compensation should be paid and payable out of the account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Sutors of the Court of Chancery in Ireland, as far as the same would extend; and in case the Sutors Fund should be inadequate to the payment of the whole amount of compensation, the amount beyond what could be satisfied out of the Sutors Fund should be charged upon and paid out of the Consolidated Fund of the United Kingdom; and it was by the said recited Act further enacted, that if any of the six clerks should sell his said office it should be lawful for him, at any time within six calendar months after such sale, to apply to the Commissioners of His Majesty's Treasury for compensation for the diminution of value of his office, and in such case it should be lawful for the said Commissioners to order and direct that such annual or other compensation should be made to the six clerks as they should deem just and reasonable; and all such compensation, whether annual or in gross, should be charged upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: And that the said six clerks being deprived of their offices by virtue of this Act, they are now entitled to be paid compensation as well in respect of their right of sale of their said offices as in respect of their annual income derived therefrom: And that it is reasonable and fit that compensation should also be made to the usher and also to the curitor of this court:—

It is Enacted,

xxiii. That it shall be lawful for the Commissioners of His Majesty's Treasury for the time being or any three or more of them, by warrant under his or their hand or hands, to order or direct such compensation in gross to be made to the said six clerks, for such their right of sale of their said offices, and also to order or direct such compensation to be made to the said six clerks and persons for such annual loss as they shall respectively sustain by reason of the provisions of this Act, as shall be just and reasonable; and such compensation shall be issued and paid and payable in manner hereinafter mentioned: Provided always, that such compensation to the curitor for his loss of office shall be regulated by the average annual amount of the emoluments of the said office for three years next preceding the 1st of November 1833, and that an account of all such compensation shall, within fourteen days next after the same shall be so granted, be laid upon the table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, within fourteen days after the meeting of Parliament then next following; and provided further, that the compensation to be made to the usher shall not exceed the annual amount of the income of his office on an average of the five years next preceding the 1st of November 1834, or be less than three-fourths of such amount.

xxiv. That for the better enabling of his Majesty's Treasury to form a correct judgment of the nature and amount of the compensation which it may be reasonable and proper to make to the said officers for their loss of office or diminished income under this Act, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, to refer all claims for compensations to commissioners, as in the said before recited Act they are authorized to do with respect to claims thereunder.

xxv. That the several and respective sums as and for compensation which the Commissioners of His Majesty's Treasury shall by warrant or warrants as aforesaid order and direct to be paid to any officer shall be paid and payable to the officer or officers named in such warrant or warrants, in the first place, out of the funds standing to the credit of the account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Sutors of the Court of Chancery in Ire-

land,' as far as the same will extend, and, in the next place, out of the funds which may be standing to the credit of "The Sectors Fee Fund Account;" and in case both the said funds shall be inadequate to the payment of the whole of such compensation to be given under this Act, the amount of the compensation beyond what can be so satisfied shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, without any fee or deduction whatsoever; and every such sum as and for annual compensation to be issued in pursuance of this Act shall be payable and paid quarterly on every 20th of January, 20th of April, 20th of July, and 20th of October, the first payment thereof to be made on the first of said quarterly days which shall next follow the day of the commencement of this Act.

And after noticing that the office of six clerk in the Court of Chancery of Ireland will be abolished by the provisions of this Act, whereby the several persons now acting as clerks in said offices (many of whom have been acting therein for a series of years) will be deprived of employment in such situation; and it is just and reasonable that compensation should be made to such persons for the loss of their several situations, and also to the clerk now employed in the office of the curator, and to Mr. David Daly and Joseph Whelan, clerks employed in the office of the registrars, for the loss of their offices by reason of this Act;—

It is Enacted,

XXVI. That it shall and may be lawful for the Masters of said court or any two or more of them to inquire into, by examination on oath or otherwise (which oath they are hereby authorized to administer), and ascertain the annual amount of the lawful fees, salaries, and emoluments of such clerks in the six clerks office received by them respectively for the three years preceding Michaelmas term, 1833, or for three years next preceding the commencement of this Act, at the option of said clerks or any of them, and in case of the said curator's clerk, for three years ending Michaelmas term, 1830, and in case of the said clerks in the registrar's office, for three years ending on the day of the commencement of this Act; and they are hereby required forthwith to ascertain the amounts thereof respectively, and to certify the same, in writing under their hands, to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Ireland for the time being, and thereupon it shall and may be lawful for the said Lord Chancellor, Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Ireland for the time being, with the sanction of the Commissioners of His Majesty's Treasury, to order to all and every of said clerks who shall be so deprived of employment in said offices as aforesaid an annual sum or sums to be paid out of "The Sectors Fee Fund Account," and that such annual sum or sums shall be paid and payable to such person or persons and his or their assigns, during the term of his or their natural life or lives, by four quarterly payments in each and every year, free and clear of all taxes and deductions whatsoever, on every 20th of January, the 20th of April, the 20th of July, and the 20th of October, the first payment thereof to be made on the first of said days which shall next happen after the commencement of this Act, and also such proportion of any such quarterly payments as at the time of the decease of any such person or persons shall be due from the quarter day next preceding the time of such decease: Provided always, that the annual sum so to be payable to any of said clerks shall not exceed two-thirds of the average annual amount of the sums received by them respectively as such clerks for the periods aforesaid.

And after reciting that John Daly, who held for many years the office of chief clerk in the registrars office, became unable, in consequence of a severe illness, to discharge the duties of said office, and has received for some years an annual allowance of 400*l.*, which is paid as follows; that is to say, 200*l.* thereof by Yelverton O'Keefe, the present chief clerk, 100*l.* thereof by Francis Prendergast, one of the present registrars, and 100*l.* thereof by Charles O'Keefe, the other registrar; and it is expedient to provide that such annual allowance shall continue to be paid during the life of the said John Daly, in case he shall survive any of said persons;—

It is Enacted,

XXVII. That in case the said John Daly shall survive the said Francis Prendergast, Charles O'Keefe, or Yelverton O'Keefe, the person who shall be appointed to any office which shall become vacant by the death of any of them shall continue to pay to the said John Daly during his life so much of the said annual allowance as the person so dying has usually paid as aforesaid.

And after reciting that by the said last-recited Act it was enacted, that it should be lawful for every officer claiming compensation as therein mentioned, on the first day of Hilary term, 1836, and on every succeeding first day of Hilary term, and for one month thereafter in each year respectively, so long as the said officer should hold his office, to make out and render to the Lord High Treasurer or Commissioners of His Majesty's Treasury an account in writing, to be verified as therein mentioned, of the gross and net emoluments of said office and of the disbursements thereof, in such form and with such particulars of receipt as the said Commissioners or any three or more of them, should require, and that the Lord High Treasurer or said Commissioners as aforesaid should ascertain as they should think proper the gross and net income of such office, and also the disbursements thereof, for and during the year for which such account should be rendered, and the amount of compensation to which he or they should deem such officer entitled for and during said year: And that inasmuch as by the operation of this Act the offices now held by some of said officers entitled to compensation under the provisions of the said recited Act will be abolished, and they will thereby be rendered incapable of making the returns directed by said Act;—

It is Enacted,

XXVIII. That it shall be lawful for such officers as may be disabled by the provisions of this Act from making the returns directed by said recited Act to make or cause to be made out and render to the Lord High Treasurer or the Commissioners of His Majesty's Treasury accounts in the form and with such particulars of receipt and expenditure as is directed by said recited Act for the portion of the year intervening between the first day of last Hilary term and the day of this Act coming into operation, and the Lord High Treasurer or Commissioners as aforesaid shall ascertain as they shall think proper the compensation to which he or they shall deem such officer entitled for and during the said portion of the year, and that it shall be lawful for such Lord High Treasurer or Commissioners as aforesaid, or any three or more of them, by warrant or warrants under their hands, to order and direct such compensation to be made to said officers for such portion of the year as aforesaid as the said Lord High Treasurer or Commissioners of His Majesty's Treasury, in their discretion shall deem just and reasonable.

And after noticing that John Brennan, one of the six clerks of said court, is now, under the provisions of 4 Geo. 4. c. 61, and 6 Geo. 4. c. 30, entitled to an annual compensation for a diminution of the profits of his office, to be ascertained in the manner mentioned in those Acts, and that it will not now be practicable so to ascertain the amount of such composition,—

It is Enacted,

XXXI. That the sum of 932*l.* 10*s.* 5*d.* present currency, equivalent to the sum of 1031*l.* 17*s.* 11*d.* of late Irish currency, which was the sum payable to him in the year ending 1834 as and for his compensation under the said before-mentioned Acts, shall from and after the 3rd of November 1835 be taken to be the amount of the annual compensation payable to him under said Acts, and shall be paid to him out of the Consolidated Fund at the times and manner as directed by said Acts with respect to officers who have heretofore sold their respective offices under said Acts.

And after reciting that under the provisions of certain Acts of Parliament recently passed, and certain rules for regulating the practice of the Court of Chancery in Ireland, the duties of the clerk of enrolments may be considerably increased;—

It is Enacted,

XXX. That if it shall appear reasonable and proper to the Lord Chancellor and Master of the Rolls to direct any remuneration to be paid to such clerk, in addition to the salary now payable to him, it shall be lawful for them to order, with the sanction of the Commissioners of His Majesty's Treasury, that such annual sum, not exceeding 150*l.* per annum, as they shall think reasonable shall be paid to such clerk, for the performance of such additional services, out of the Compensation and Suits Fee Fund Account for such period as they shall think fit.

XXXI. That no payment of any sum or sums of money to be made under or by virtue of this Act shall be subject to the payment of usher's poundage: and provided also, that every order to be made for the transfer, investment, or payment of any money under this Act or any of the provisions thereof shall be free of and discharged from the payment of any fee whatsoever to any officer of the said court.

XXXII. That so much of the said hereinbefore recited Act, 4 Geo. 4. c. 61, as shall be inconsistent with any of the clauses or provisions of this Act, shall be and the same is hereby repealed; and that so many and such part and parts of the clauses and enactments of the said recited Act as may be applicable to the several officers appointed and to be appointed under this Act shall extend and be construed to extend and be applied to such officers respectively as fully and effectually as if such clauses and enactments had been repeated and re-enacted in this Act.

XXXIII. That it shall be lawful for all Extraordinary Commissioners of the Court of Chancery, and they are hereby authorized and empowered, to take in England or Scotland the acknowledgment of recognizances by parties and others in suits and matters depending in the said court in such and the same manner as the Masters in Ordinary of the Court of Chancery may now take according to the practice of the said court respectively.

XXXIV. That any commission of bankrupt issued or to be issued in Ireland after the 1st of July 1836, founded on any trading or act of bankruptcy carried on or committed prior to the said 1st of July 1836, shall have the same force and effect as if such commission had issued prior to the said 1st of July 1836; and that in every case the petitioning creditor or creditors may prove his or their debt or debts before the Commissioner of Bankrupt in Ireland in the same manner as all other creditors of the bankrupt are permitted to prove their debts respectively.

XXXV. That the powers and authorities given by this Act to the Lord Chancellor shall and may be exercised in like manner and are hereby given to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the custody of the Great Seal respectively, for the time being.

XXXVI. That this Act shall commence and take effect from and after the 20th of October next.

XXXVII. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

CLERKS TO THE REGISTRARS.		SALARY.
Yelverton O'Keefe, Chief Clerk	£500 per Annum.	
John Kelly	300	—
William Young	130	—
Robert Levy	100	—
John Connor	100	—
Thomas Battley	100	—
ASSISTANT CLERKS.		
Francis Whelan	100	—
John Kelly, jun.	100	—

SECOND SCHEDULE.

	SALARY.
The First Clerk to the Registrars	£400 per Annum.
Second	300
Third	200
Fourth	150
Fifth	150
Sixth	100

CAP. LXXV.—IRELAND.

AN ACT to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in *Ireland*.
(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Assistant barristers to hear and determine cases for sums not exceeding 20l.
2. Jurisdiction as to lands.
3. Service of civil bill in such cases.
4. As to recovery of lands.
5. Jurisdiction in replevin cases.
6. In cases of distresses for rent, particulars of demand to be given.
7. Appointment of replevengers.
8. Mode of proceeding in replevin cases.
9. Form of bond.
10. If proposed sureties be objected to, the reason of refusal to be stated in writing.
11. Copy of civil bill to be served on defendant.
12. Assistant barrister to hear and determine such civil bill.
13. Mode of assignment of bond.
14. Bond to be assigned if plaintiff do not prosecute suit.
15. If goods returned, no proceedings to be had on bond, and goods may be sold.
16. Repeal of 7 & 8 Geo. 4. c. 69, 10 Car. 1. (I.) in part, 3 Geo. 2. (I.) in part.
17. Legacies and distributive shares payable out of assets of any deceased person (when such assets shall not exceed 200l.) recoverable by civil bill.
18. Civil bill in such cases to be served twelve days before sessions.
19. Executors and administrators to lodge accounts if required.
20. Penalty on executors or administrators neglecting to lodge such account.
21. Examination of executor or administrator.
22. Executors or administrators to produce copy of will and letters of administration, and to submit to be examined on oath on trial of civil bill.
23. Assistant barrister may advertise for claims or assets.
24. Executors *de son tort* to be liable.
25. Money may be required by assistant barrister to be paid into the bank.
26. Legacies not exceeding 20l. charged on real estate to be recoverable.
27. Attested copy of will good evidence.
28. Civil bills, &c. to be in form prescribed in Schedule.
29. Provision of civil bills Acts relating to employment of counsel, &c. shall extend to proceedings under this Act.
30. Appeal.
31. In case of absence of plaintiff or defendant, how appeal may be prosecuted.
32. Assistant barrister may dismiss civil bill.
33. Decrees or dismissals may be renewed.
34. Decrees of assistant barrister may be signed by his successor.
35. Verbal or technical errors not material.
36. Parties may appeal to the oath of each other.
37. Regulating hours of sitting of Court of Quarter Sessions.
38. In case of death of clerk of the peace during sessions.
39. Order in which actions are to be heard.
40. Assistant barrister may hear and determine disputes in baronial or other divisions.
41. Bailiffs to be appointed to execute decrees of civil bill court.
42. Fees payable to bailiffs.
43. Bailiffs to give security.
44. 36 Geo. 3. (I.) repealed so far as respects the payment of 1s. to the sheriff.—Fees of 10s. 6d. for executing decrees for delivering possession.
45. Books of process servers to be evidence in certain cases.
46. Bailiffs may sell goods taken in execution.
47. Fees specified in second Schedule to be deemed lawful fees.
48. Penalty for taking larger fees.
49. Fees payable to the registers of the city and county of Dublin.
50. Table of fees to be exposed in some conspicuous parts of office of the clerk of the peace and court of quarter sessions.
51. So much of civil bill Acts as requires oaths to be taken by attornies every sessions repealed, and an affidavit substituted.—Form of affidavit.
52. Appeal given to the landlord in same manner as to the tenant under 56 Geo. 3. c. 88.
53. Power to appoint additional places for holding sessions.
54. Assistant barristers to appoint times for holding sessions in such additional places.
55. 56 and 58 Geo. 3. and 1 Geo. 4. amended, as relates to serving or affixing processes on civil bills.
56. Civil bill court to have jurisdiction if one defendant reside in the county.
57. Grand Jury of county of Cork to provide for salaries of criers at sessions in 4 Geo. 4. c. 43.
58. General orders to be made.
59. Lord Lieutenant may direct sessions to be held four times in every year in any town.
60. Perjury.
61. Former Acts to remain in force.
62. Decrees of civil bill court may be given in evidence under a plea of the general issue.

63. *Interpretation clause.*

64. *Certain powers, &c. conferred upon chairman of sessions and recorder of Dublin.*

65. *Commencement of this Act.*

66. *Act may be repealed, &c. this session.*

By this Act,

After reciting that proceedings by civil bill, under and by virtue of an Act, 36 Geo. 3, for the better and more convenient administration of justice, and for the recovery of small debts in a summary way at the sessions of the peace of the several counties at large within Ireland (except the county of Dublin), and the several Acts in force in Ireland amending and extending the provisions of the said Act, have been found very beneficial, and it is expedient to enlarge the present jurisdiction of the Civil Bill Courts in Ireland:—

It is Enacted,

- I. That from and after the commencement of this Act, the respective assistant barristers in Ireland shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all disputes and differences between party and party for any sum or damages not exceeding 20*l.* sterling in all cases of debt, covenant, assumpsit, actions on the case upon assumpsit or promises, (penal covenants, breach of promise of marriage only excepted,) trover, conversion, trespass, for goods taken or detainue, or for any sum not exceeding 10*l.* in all other cases whatsoever, (slander, libel, deceit, and criminal conversation with a man's wife only excepted,) and also all cases for the recovery of any penalty not exceeding 20*l.* imposed or to be imposed by any Act of Parliament.
- II. That the respective assistant barristers in Ireland shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all disputes and differences respecting the possession of any lands, tenements, or hereditaments held under any grant, lease, or other instrument for any term or interest the duration or extent whereof, when originally granted or created, did not exceed three lives, without any provision for the renewal thereof, or a term of sixty-one years determinable on three lives, or a term of sixty-one years absolute, and the yearly rent reserved or payable in respect whereof, under such grant, lease, or other instrument, shall not exceed 20*l.*, and in respect of which no fine exceeding 50*l.* was paid on the granting or execution of such grant, lease, or other instrument; and every person claiming such possession may proceed by civil bill in the court for the county, division, or district wherein such lands, tenements, or hereditaments, or any part thereof, shall be situate, for recovery of such possession; and every such civil bill shall specify the name and residence of the claimant, and the description of the property sought to be recovered, and the barony or parish in which the same is situate, and shall require the persons in possession of or claiming any interest in such lands, tenements, or hereditaments to appear before the assistant barrister, on a day and at a place to be therein mentioned, to answer the said civil bill.
- III. That every such claimant as aforesaid shall and he is hereby required to serve the persons who shall be in the actual possession of the lands, tenements, or other hereditaments specified in and claimed by any such civil bill, and also such other person or persons (if any) as shall be interested in the same or in any part thereof, with such civil bill thirty days at least before the commencement of the sessions in which such civil bill is to be heard or determined; and if there be not any person in the actual possession of such lands, tenements, or hereditaments, then the affixing of such civil bill to or upon some conspicuous part of the premises so claimed, and upon the door of the church and of every Protestant chapel (if any), and also upon the door of every Roman Catholic chapel (if any), in the parish, place, or district wherein the said premises shall be situated shall be and be deemed to be good and sufficient service of such civil bill.
- IV. That in all actions and proceedings brought for the recovery of the possession of any lands, tenements, or hereditaments under or by virtue of this Act, it shall be lawful for the assistant barrister to make an order or decree for the delivering up possession of such lands, tenements, or hereditaments to the party entitled thereto.
- V. That the respective assistant barristers in Ireland shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all actions of replevin relating to distresses for rent between landlord and tenant, where the rent for or in respect of which any distress shall be or ought to have been made shall not exceed 50*l.* in amount or value.
- VI. That in all cases of distresses for rent the person making any such distress shall deliver to the person in possession of the premises for the rent of which such distress shall be made, or in case there shall not be any person found in possession shall affix on some conspicuous part of such premises, a particular in writing of the rent demanded, specifying the amount thereof, the time or times when the same accrued, and the person by whom or by whose authority such distress is made.
- VII. That the sheriff for the time being for every county in Ireland shall, within ten days after he shall be sworn in as sheriff, depute a sufficient number of persons in each county to act as replevengers in case of distresses for rent, so that there shall be at least one such replevenger in every town wherein General or Quarter Sessions of the Peace are held; and for every refusal or neglect to appoint within ten days a sufficient number of persons to act as replevengers as aforesaid, and also for every month during which there shall not be one such replevenger in such such sessions town, every such sheriff shall forfeit and pay the sum of 20*l.*, to be recoverable by civil bill by any person who will sue for the same; and such replevengers so to be appointed as aforesaid shall have authority in the sheriff's name to grant replevins and make deliverance of all distresses in such manner or form as the sheriff may and ought to do, and shall be entitled to receive the fees mentioned in the second Schedule hereunto annexed, and no more.
- VIII. That where any party whose goods or chattels shall have been distrained for rent shall dispute the validity of the distress, and the amount of the rent distrained for shall not exceed 50*l.*, it shall be lawful for such party to lodge with the clerk of the peace for the county wherein such distress shall have been made a civil bill, stating the particulars of the property distrained, and the place where made, and the person and persons by whom or on whose behalf such distress was made, and requiring such person or persons to appear and answer such bill at the next General or Quarter Sessions of the Peace for the

district, division, or riding in which such distress was made, in case there shall be ten clear days between the day of lodging such civil bill and the first day of holding such sessions, and if not, then at the sessions for such division, district, or riding next after the expiration of ten days from the day of lodging such civil bill, and thereupon the said clerk of the peace shall issue an order requiring the sheriff of the county to replevy the goods and chattels so distrained; and the sheriff to whom any such order shall be directed, or his replevenger, shall and he is hereby required, upon good security (by the bond of the person obtaining such order and two responsible persons as sureties) being given to him in double the amount of the value of the property distrained, to execute such order, and make a correct and proper return of the manner in which the same shall have been executed, or to signify the cause why the same has not been executed, to the court of the assistant barrister for the county, within seven days next after such order shall have been delivered to him; provided that the value of the property distrained shall be ascertained by the said sheriff or replevenger in like manner as the value of goods distrained is now ascertained by law by the said sheriff on taking security in replevins.

IX. That the bond so to be given to the said sheriff shall be in the form or to the effect set forth in the first Schedule hereto annexed, or as near thereto as the circumstances of the case will admit.

X. That in every case where the persons who shall be proposed as sureties on behalf of any party whose goods or chattels shall have been distrained shall be objected to, the reason or ground of such objection shall be stated in writing by the sheriff or replevenger so objecting.

XI. That in every case where any goods distrained shall be replevied as aforesaid a copy of the civil bill which shall have been lodged with the clerk of the peace as aforesaid shall be served, by or on the part of the plaintiff in such civil bill, upon every person named as defendant therein, in the same manner as civil bills for recovery of debts are now required to be served, six days at least before the first day of holding the sessions to which it is returnable: Provided always, that in case the party on whose behalf such distress was made shall not reside within the jurisdiction of such assistant barrister, service of such bill on the person who made the distress for him shall be deemed good service on such party; and such party, although not residing within the county, shall for the purposes of this Act be deemed and taken to be within the jurisdiction of the assistant barrister of the county in which the distress was made.

XII. That the assistant barrister shall in every such case of distress and replevin hear and determine the civil bill, and ascertain whether any and what rent was due to the defendant at the time of making such distress; and if it shall appear that any sum was due for rent, and that no tender of the sum so due was made before the said civil bill was brought, it shall be lawful for such assistant barrister and he is hereby required to make a decree for payment of the sum ascertained to be due for rent, and the costs of defending such civil bill and making such distress, and such sum and costs shall and may be levied by virtue of such decree; and in case it shall appear that no rent was due at the time of such distress, or no tender made of amount due and reasonable costs of distress previous to the bringing of such civil bill, it shall be lawful for the assistant barrister to direct the bond which shall have been so given as aforesaid to be delivered up to the party complaining of the distress, and also to make a decree for payment by the defendant to such party of such damages as the Court may think fit, and, if necessary, to direct that such damages and costs shall be set off against or deducted from any rent then due or thereafter to accrue due by the party complaining, and to make a decree accordingly.

XIII. That the bond so directed to be given as aforesaid shall be assigned by the sheriff or his representative to such person or persons as the assistant barrister shall direct, and such assignment shall be by an indorsement on the bond, which shall not require any stamp; and the assignee of such bond shall be at liberty to sue in his own name, upon or by virtue of such bond, in the court of the assistant barrister within whose jurisdiction any one of the obligors of such bond shall reside, without regard to the amount of the penalty of such bond; and such proceedings may be taken against all the obligors of such bond, or against any one or more of them.

XIV. That in case the person or persons complaining of any such distress shall not duly appear at the sessions, and there prosecute such civil bill, and obtain a decree therein, the assistant barrister shall and may, at the request of any party named as a defendant in such civil bill, make an order or decree that the bond so directed to be given to the sheriff as aforesaid shall be assigned to the defendant so applying; and such bond shall be assigned, as hereinbefore directed, to the party so applying; and such bond shall be and stand as a security for the full amount of the value of the goods distrained, and the costs of the proceedings in relation to the distress, and of the proceedings on such civil bill and such bond.

XV. That it shall be lawful for the assistant barrister to order and decree that the goods distrained shall be returned to the party who distrained the same; and in every such case where the goods distrained shall be actually returned to the party who distrained the same, and the costs of the proceedings paid, no further proceedings shall be had on the bond which shall have been given as aforesaid; and all such goods, if returned or recovered under any such decree as aforesaid, may be sold for the recovery of the rent due and expenses at the expiration of four days after the return thereof.

And after reciting the passing of 7 & 8 Geo. 4. c. 69; but that the provisions of the said Act have been found to be wholly ineffectual, and it is desirable that the said Act should be repealed:—

It is Enacted,

XVI. That from and after the commencement of this Act the said recited Act, 7 & 8 Geo. 4. shall be and the same is hereby repealed; and that so much of an Act, 10 Car. 1. (1.) intitled, 'An Act for the impounding of Distresses,' and so much of an Act, 3 Geo. 2. (1.) intitled, 'An Act for the further explaining and amending several Statutes for protecting Under Sheriffs and Sheriff's Clerks from officiating as Sub-Sheriffs or Sheriff's Clerks more than One Year, and to render more effectual an Act to prevent Fees being taken in certain Cases, and to take away the pretended Office of Barony Clerk, and to oblige Sheriffs to appoint Deputies for granting Replevins, and also for discharging of Prisoners unable to pay their Fees,' as relate to the appointing and proclaiming of deputies by sheriffs for making or granting replevins, and making deliverance of distresses, shall be and the same is hereby repealed.

XVII. That where the amount of the assets of any deceased person shall not exceed in value the sum of 200*l.*, it shall and may be lawful for any legatee of any specific chattel, or for any legatee of any pecuniary legacy payable out of the assets of any such deceased person, or any residuary legatee, or for any person or persons entitled as next of kin of any such deceased person, or the executors, administrators, or assigns of such legatee or next of kin, and they are hereby authorized and empowered, to proceed by civil bill against the executor or administrator of such deceased person in the county or district in which such executor or administrator shall be resident, for the recovery of such legacies or distributive shares at any time after the expiration of one year from the decease of the testator or intestate, but not sooner; and it shall and may be lawful for such assistant barrister as aforesaid, upon due proof that the defendant had received, or without wilful default might have received, assets of the testator or intestate sufficient and liable, after payment of all just debts, for the satisfaction in a due course of administration either in the whole or in part of the plaintiff's demand, to make a decree for payment of such legacy or distributive portion rateably and proportionably with other legatees standing in the same situation, or other next of kin respectively, as the case may be; and in case the plaintiff shall establish his right to any specific chattel it shall and may be lawful for such assistant barrister as aforesaid to make an order for delivery of the same to the party entitled thereto, or to make a decree for payment of the value thereof and costs of suit; and in case the plaintiff shall establish his right as residuary legatee, it shall and may be lawful for such assistant barrister as aforesaid to make an order for the delivery, transfer, or payment of such residuary estate and effects to the party decreed entitled thereto.

XVIII. Provided, That every civil bill to be brought for the recovery of a legacy or distributive share under or by virtue of this Act shall, twelve days at least before the sessions, be duly served upon the party against whom the same is brought, or left at his usual or last known place of abode.

XIX. That where the property or assets of any deceased person shall not exceed in value the sum of 200*l.*, every executor or administrator shall, if thereunto required by notice in writing by any legatee, next of kin, creditor, or other person interested therein, within twelve months after the decease of the testator or intestate, lodge with the clerk of the peace of the county wherein such testator or intestate resided at the time of his death, and also in the county wherein such executor or administrator resides, a schedule or account setting forth the particulars of the property or assets of or to which the testator or intestate died possessed or entitled, and the amount, produce, and value of the same respectively, and the amounts and particulars of the debts, due by the said testator or intestate, and the amounts and particulars of the debts, legacies, and funeral and testamentary expenses of the testator or intestate paid by or on account of any such executor or administrator, and shewing the balance applicable to the purposes of the will of the said testator, or distributable amongst the next of kin of the said intestate, or the property or chattels then undisposed of; and every such schedule or account shall be verified by the oath or affirmation (as the case may be) of the executor or administrator, to be sworn before the clerk of the peace for the county wherein such executor or administrator resides, and which oath or affirmation the said clerk of the peace is hereby authorized and directed to administer; and such schedules or accounts shall be preserved and kept by the clerks of the peace among the records of their respective counties, and shall be deemed and taken as evidence against the said executor or administrator of the several matters therein contained.

XX. That in case any such executor or administrator shall neglect to lodge such schedule as aforesaid within the time hereinbefore specified he shall forfeit any sum not exceeding 20*l.* to be recoverable by civil bill before the assistant barrister of the county wherein such executor shall reside by any person suing for same.

XXI. That in all proceedings by civil bill by any legatee or next of kin for recovery of any legacy or distributive share as aforesaid it shall and may be lawful for the plaintiff, as such legatee or next of kin in such civil bill as aforesaid, to examine on oath, if the Court shall deem it necessary, in open court, such executor or administrator, in order to obtain a discovery of the estate and effects of the testator or intestate at the time of his or her decease, and the value thereof, and of his or her debts, funeral and testamentary expenses, and to obtain an admission that the defendant is the executor or administrator (as the case may be), and to ascertain all such facts as a party suing as legatee or as next of kin in a court of equity is entitled to discovery of.

XXII. That every executor or administrator may be compelled by summons, to be signed by the clerk of the peace, in like manner as witnesses are compelled to attend and give evidence in the civil bill courts, to attend and produce the probate (if any) of the will of the testator, or the letters of administration of the testator or intestate (as the case may be), and submit to be examined on oath in open court touching the matters aforesaid on the trial of any such civil bill in any riding, division, or district of the county where such cause shall be heard; and every executor or administrator who shall disobey any such summons shall forfeit and pay the sum of 10*l.* as a penalty; but such fine or penalty may be mitigated or wholly given up, if the assistant barrister before whom he shall have been required to attend shall, upon good and sufficient cause being shewn, think fit to mitigate or give up the same.

XXIII. That it shall be lawful for any assistant barrister, in any action or proceeding for a legacy, or a distributive share of the property or assets of a testator or an intestate, to require the party suing to give notice, either by advertisement or otherwise, requiring persons having claims on the property or assets of the deceased to produce and verify such claims; and no such advertisement shall be charged with or liable to any duty, and all costs relating to such notice shall be borne and paid in such manner and by such parties as such assistant barrister shall order or direct; and the assistant barrister may, if he shall think fit to direct such notice to be given, adjourn the civil bill to some future sessions, so as to allow sufficient time for publishing or giving such notice.

XXIV. That any person rendering himself an executor *de son tort* shall be liable to be sued by civil bill in the manner hereinbefore mentioned, and shall be liable to the same extent as if sued in a superior court.

XXV. That in any such action or proceeding the assistant barrister may, if he thinks fit, direct money to be paid into the Bank of Ireland, savings bank legally established, or such branch bank of the Bank of Ireland as he shall direct, in the name of such clerk of the peace, to the credit of the cause in question, and such money shall be applied and disposed of according to the order and directions of the assistant barrister; and all payments of such monies shall vest in the clerk of the peace for the time being.

and shall be made upon an order in writing under the hand of the clerk of the peace for the time being, countersigned by the assistant barrister; which order shall be a good and sufficient warrant to all intents and purposes.

XXVI. That it shall and may be lawful for any legatee of any pecuniary legacy not exceeding 20*l.*, charged upon or payable out of any real estate, or any person to whom arrears not exceeding 20*l.* are due in respect of any rent-charge or annuity charged upon or payable out of any real estate, to proceed by civil bill against the person who shall be entitled to the real estate charged with such legacy or arrears; and it shall and may be lawful for the assistant barrister, upon due proof by the plaintiff that such real estate is liable to such legacy or arrears, and that the owner thereof has received therefrom, for his own use and benefit, more than the amount of the legacy or sum sought to be recovered, and that no personal property liable to the payment thereof is available for that purpose, to order or decree the payment of such legacy or arrears by the owner of such real estate.

XXVII. That in all proceedings under this Act to recover any legacy, or lands, tenements, or hereditaments, an examined or attested copy of the will bequeathing it, or of any will giving title to it, shall be received as evidence as if the original will or probate thereof was produced.

XXVIII. That the several civil bills, orders, proceedings, decrees, and dismisses which shall be brought, prosecuted, and pronounced in pursuance of this Act, shall be in the form or to the effect prescribed by the first Schedule to this Act annexed, or as near thereto as circumstances will admit.

XXIX. That all and every the provisions of the several Acts now in force relating to civil bill courts in respect of the employment of counsel and the duties of sheriffs and of clerks of the peace in relation to any proceedings by civil bill, and all other regulations and provisions of the said Acts in relation to proceedings by civil bills, shall apply and extend to the proceedings under this Act, so far as the same are applicable thereto, or not repugnant to or inconsistent with the provisions of this Act, and that all such provisions and regulations shall also extend and be applicable to proceedings in the court of the recorder of the city of Dublin, and in the court of the chairman of the sessions of the peace for the county of Dublin.

XXX. That in any case where any party shall be dissatisfied with the judgment or decree or dismiss of the assistant barrister touching or concerning any proceedings which may be instituted or prosecuted under or by virtue of the provisions of this Act, it shall be lawful for such party to appeal against such decision or decree, in like manner, and upon the like terms and stipulations, as appeals in other cases are allowed to be brought under or by virtue of the Acts now in force relating to proceedings by civil bill.

And after reciting, that plaintiffs and defendants appearing by attorney and not attending in person at the quarter sessions are deprived of their right of appeal by reason of their being necessary parties to the recognizance to prosecute such appeal;—

It is Enacted,

XXXI. That in case of the absence of any such plaintiff it shall and may be lawful for him to enter an appeal, without entering into such recognizance, upon paying the defendant or depositing with the clerk of the peace double the costs of such dismiss, and performing the other requisites now required by law in cases of appeal (save as to such recognizance); and it shall and may be lawful for any such defendant to enter an appeal on a like payment to the plaintiff or depositing with the clerk of the peace double the costs of such decree, and performing the other requisites as to appeals now required by law (save as to such recognizance); but a recognizance, in case of the absence of the defendant, shall in every case be entered into on his behalf by two solvent sureties, to prosecute the appeal, and to pay the amount to be decreed against the defendant, and costs.

XXXII. That whosoever the said assistant barrister shall in any civil bill brought under and by virtue of this Act grant a decree the same shall be with costs; but in case the plaintiff in any civil bill brought under or by virtue of this Act or any other Act shall not proceed in the same, or shall fail to establish his case to the satisfaction of the assistant barrister, such assistant barrister shall and he is hereby authorized and empowered to dismiss such civil bill with costs, and either without prejudice to the plaintiff's proceedings by a new civil bill, or on the merits, as he shall think fit.

XXXIII. That it shall be lawful for any plaintiff or defendant, or surviving plaintiff or defendant, or the executor or administrator of any plaintiff or defendant, or assignee or assignees of any plaintiff or defendant who shall have become bankrupt or insolvent, or the husband of any plaintiff or defendant, by whom any decree or dismiss was obtained, to renew any decree or dismiss, or any affirmation or reversal of any decree or dismiss of the assistant barrister affirmed or reversed on appeal; provided that all such renewals shall be subject to the same and the like conditions and regulations as are now required by law in case of any renewal which may now be made; and provided also, that no civil bill decree, or affirmation of a decree, or a reversal of a decree for possession, shall be renewed, save for the costs thereby decreed; and provided that it shall not be lawful for any assistant barrister to grant a renewal of any civil bill, decree or dismiss, affirmation or reversal, when two years shall have elapsed after such decree or dismiss, affirmation or reversal, shall have been pronounced, nor at any time to grant such renewal to or against any person not being an original party to such civil bill, unless upon proof made in open court that the party seeking such renewal caused notice in writing to be served upon the person against whom it is sought to renew such decree or dismiss, affirmation or reversal, setting forth the particulars of such decree and the amount for which the application to renew such decree is proposed to be made, such notice to be served in like manner as civil processes are required by law to be served, six days previous to the first day of holding the civil bill court to which such application is intended to be made, and to be entered with the clerk of the peace, and heard and determined in like manner as an original civil bill.

XXXIV. That in case of the death, removal, or incapacity of the assistant barrister of any county or riding, it shall and may be lawful for his successor, or the barrister for the time being acting for him, to sign any order or decree pronounced by the barrister so dying or removed or becoming incapable as aforesaid, and to act in all respects in reference to the orders made as the barrister so dying or removed or being incapable as aforesaid might have done; and the order and decree so signed shall be as valid and effectual as if the same had been signed by the assistant barrister who pronounced the same.

XXXV. That no action or proceeding under or by virtue of this or any other Act relating to civil bill courts shall be treated or considered as invalid on account of any verbal or technical error in the same; and it shall be lawful for every assistant bar-

rist to decide and determine what is a verbal or technical error or mistake in any action or proceeding, but all errors or mistakes which have not a tendency to mislead the opposite party shall in all cases be deemed merely verbal or technical.

XXXVI. That both parties shall be mutually at liberty to appeal each to the oath of the other on the subject of the alleged cause of action; provided that a notice in writing be served on the party so intended to be examined at least five days previous to the commencement of the sessions; but the assistant barrister may prevent and dispense with such appeal in such cases as he may think it expedient to do so.

XXXVII. That the Court of Quarter Sessions shall, after the first day of every session, commence its sittings in the months of December and January not earlier than nine nor later than ten of the clock in the forenoon, and in other months not later than nine of the clock in the forenoon, save when prevented by the illness or unavoidable absence of the assistant barrister or other fatality, and shall at once proceed with the criminal or civil business after the magistrate may be in attendance, but no decree or proceeding shall be in any manner impeached or questioned in consequence of any trial or civil bill having been commenced or heard at any time before or after any of those hours; and that no trial or case, criminal or civil, or other business, shall be entered upon after the hour of six of the clock in the afternoon of any day, nor shall any civil bill be called on after that hour, except at the request of both parties: Provided always, that it shall and may be lawful for the assistant barrister to proceed in the criminal business although no magistrate shall be in attendance; any statute, law, charter, or usage to the contrary notwithstanding.

XXXVIII. That in case of the death or disability of any clerk of the peace during sessions, and of no immediate appointment of a successor or sufficient deputy being made, the assistant barrister shall appoint a fit and proper person to act as clerk of the peace in the meantime, and allocate a due proportion of the fees or salary in remuneration of the person so acting.

XXXIX. That all disputes and differences shall be heard and determined at every sessions in alphabetical order according to the surnames of the plaintiffs, and be entered accordingly in the book of the clerk of the peace, save and except in any case or cases where the assistant barrister shall see reason to vary the same.

XL. Provided, That nothing herein contained shall prevent any assistant barrister from hearing and determining such disputes and differences in such baronial or other divisions as to him shall seem meet; provided that within such divisions they shall be heard and determined in alphabetical order as aforesaid, and provided that such assistant barrister shall give three months notice of his intention to hear and determine disputes and differences in such baronial or other divisions, and provided that after an alteration in the mode of hearing disputes and differences shall be made by the assistant barrister no further or other alteration shall be made for the space of one year.

XLI. That the assistant barrister for the time being shall appoint a sufficient number of proper and responsible persons in every county to act as bailiffs for the execution of the decrees or orders of the civil bill court for the county, and no person shall be authorized or empowered to execute any decree or order of any civil bill court (save only decrees for possession) unless he shall have been so appointed bailiff as aforesaid; and all persons to be appointed bailiffs as aforesaid shall and may have and exercise all the powers and authorities which sheriffs of counties in Ireland or special bailiffs are enabled or empowered by law to have or exercise in the execution of the decrees or orders of the civil bill courts; and such bailiffs are hereby empowered and required to execute all decrees and dismissals, and all orders and decrees which shall be made by the assistant barrister of the county in which such order or decree shall be made, and any other assistant barrister, save only decrees for possession of lands, which shall be executed by the sheriff, and also decrees so far as respects costs in ejectment cases: Provided always, that the assistant barrister in ejectment cases shall, besides pronouncing a decree for possession or dismissal, as the case may be, issue his warrant for the levy of costs, and which shall be executed by the said bailiffs, and have the same effect as decrees on civil bills.

XLII. That the bailiffs so to be appointed as aforesaid shall be entitled to receive, on the execution of decrees and orders, the fee and poundage set forth in the second Schedule hereunto annexed, and no other fees or payments shall be recoverable or receivable by them, and the same shall be taxable against the party.

XLIII. That every person appointed to act as bailiff as aforesaid shall, before he acts in his said office, together with two responsible and sufficient sureties, give and execute to the clerk of the peace for the county in which such bailiff shall be appointed to act a bond in the penalty of 50*l.* conditioned for the proper performance of the duties of his office, and such bond shall vest in the clerk of the peace of the county for the time being, and may from time to time be sued on in his name, or in the name or names of any person or persons to whom it may be assigned under any order of the assistant barrister, which assignment shall be made by an unstamped indorsement by the acting clerk of the peace for the time being; and it shall be the duty of the clerk of the peace for the time being to inquire and ascertain from time to time whether any of the sureties have become insolvent or have died, and to require the bailiff to give further or other security, and such clerk of the peace shall certify to the assistant barrister at each session that such sureties are alive, and have not become insolvent; and any person who shall sustain any damage by the neglect or misconduct of any such bailiff may proceed before the assistant barrister by civil bill to recover from him and his sureties the amount of such damages not exceeding 50*l.*; and the bond so given shall stand and be an additional security for such damages, and shall, if necessary, be put in suit to recover the sum and costs from the parties thereto or any of them; and it shall be lawful for any assistant barrister to dismiss any such bailiff for misconduct, and he shall report such dismissal to the Lord Lieutenant.

XLIV. That from and after the 1st of February the sum or fee of 1*s.* now payable to the sheriffs in Ireland for every special warrant granted at the peril of the party requiring the same shall be no longer payable; and that the said Act, 36 Geo. 3. (1.), so far as respects the payment to the sheriffs of the said sum or fee of 1*s.* be repealed; and that every sheriff shall be entitled to and be paid a sum of 10*s.* 6*d.* and no more, for executing every decree for delivering possession made by an assistant barrister or Judge on appeal; all which decrees the said sheriffs are hereby required to execute in person or by his deputy within a week after the same is delivered to him, and required by the party to execute the same.

XLV. That in case of the illness or unavoidable absence of any process server, the entries made in his book verified by his

affidavit, or, in case of his death, verified as to his handwriting by some credible person, shall be received as evidence of the several processes stated in such book to have been served, and that the fee of 6d. allowed to such process server on each civil bill be in future taxed and allowed against the defendant, in like manner as other costs taxable against the party.

XLVI. That the bailiffs so to be appointed as aforesaid shall have full power and authority to sell goods taken in execution by them by public auction, without the assistance of a licensed auctioneer.

XLVII. That in all actions and proceedings by civil bill the fees specified in the second Schedule to this Act annexed shall be established and be deemed and taken as the lawful fees and emoluments for the discharge of the several duties therein specified, and no other fees or payments shall be recoverable for the discharge of such duties.

XLVIII. That every clerk of the peace, attorney, sheriff or his deputy, bailiff, or process server, who shall receive any greater fee, gratuity, or emolument, or other consideration, for any of the services specified in the said Schedule, shall forfeit and pay the sum of 20*l.* sterling for every such offence, to be recovered by civil bill or otherwise by any person who may sue for the same.

XLIX. Provided, that such of the fees specified and set forth in the said second Schedule as are thereby made payable to clerks of the peace of the different counties in Ireland for entering civil bills, and for signing decrees or diamissas, and signing and entering renewals, shall be payable to the register of the chairman of the county of Dublin and the clerk or register of civil bills for the city of Dublin respectively only in ejectment, replevin, and legacy cases, and in cases over which an entirely new jurisdiction is hereby created, and in all other cases the fees at present payable to the said respective registers shall continue payable and remain unaltered during the lives of the said present registers.

L. That every clerk of the peace shall cause to be constantly exposed, as well in his office as also in some conspicuous place accessible to the public, in every Court of General or Quarter Session, within his county, a fair and legible table, painted or printed in letters and figures not less than one half inch in length, of the fees payable upon all proceedings upon all civil bills, and likewise the penalty to which any person may become liable for receiving any greater fee than is set forth in the said second Schedule to this Act annexed for any of the services therein specified; and that on proof made on summary application to the court of any neglect or omission of such exposure, the clerk of the peace so neglecting shall forfeit any sum not exceeding 5*l.* to be paid to the treasurer of the county within which such penalty shall be incurred, and accounted for and applied by such treasurer to the aid of the expenditure of such county; and it shall be lawful for the grand jury of every county, at any assizes to be held in and for such county, to present the reasonable and actual expenses of preparing and exposing such tables to be raised by presentment upon such county, and to be paid to such clerk of the peace.

LI. That so much of the said Acts relating to civil bills as requires oaths to be taken by the attorneys practising in civil bill courts at the commencement of every session be repealed; and that in future such attorneys, on their commencement of practice in each county, shall make and sign an affidavit in writing to be attested by the assistant barrister, and to be deposited in the office of the clerk of the peace amongst the records of the court, in the form following; (that is to say,)

'I A. B., one of the Attornies, do swear, That I will faithfully discharge all such Duties and Business as may be intrusted to 'my Charge.'

And after reciting that it is considered that under the provisions of an Act, 56 Geo. 3. c. 88, intituled, 'An Act to amend the Law of Ireland respecting the Recovery of Tenements from absconding, overbuilding, and defaulting, Tenants, and for the Protection of the Tenant from undue Distress,' which Act is explained, amended, and extended by two other Acts respectively, 56 Geo. 3. and 1 Geo. 4, the tenant or defendant only is entitled to the right of appeal in proceedings instituted under the provisions of the said Acts;—

It is Enacted,

LII. That the landlord or plaintiff shall in all proceedings under the said recited Acts have and be entitled to all and every the same rights of appeal, under the same restrictions, conditions, and limitations, as in other cases of decrees on civil bills, as by the Acts in force relating to civil bill courts are provided for or given to defendants.

And after reciting that it would facilitate the administration of justice if a sufficient number of places were appointed for hearing and determining causes by civil bill, and transacting criminal and other business at a General or Quarter Session of the Peace;—

It is Enacted,

LIII. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor of Ireland for the time being from time to time, by and with the consent and advice of the Privy Council, to divide the several counties in Ireland or any of them, or any riding or division of a county, into as many districts as shall be thought proper or expedient, for the purpose of more conveniently hearing and determining causes by civil bill, and of transacting all such criminal or all such other business, as may be cognisable or determinable at any General or Quarter Sessions of the Peace, and to appoint one or more convenient town or place, towns or places in any such district in which a civil bill court and a court for transacting such criminal and other business as aforesaid shall be held, and every such district shall be distinguished by the name of such town or place, and every such session and adjournment thereof shall be good and effectual for the administration of criminal business and civil bill cases, and doing all other business that may by law be done at the General Quarter Sessions of the Peace; and the grand juries of the several counties in which such districts shall be situated shall and they are hereby required to present such sums as may be necessary for building or repairing sessions houses in such towns or places, and for paying the rent or hire of convenient places for holding such sessions until such sessions houses in such towns or places shall be built, in the same manner as they are empowered and required to present for such building and repairs, and hire or rent, by the said Act, 56 Geo. 3. c. 88, or any other Act now in force; and the assistant barristers and Justices of the Peace of such several counties shall have the same power in all respects of hiring such place or places for holding sessions as is given to them by such recited Act in relation to the places thereby directed to be provided for holding sessions.

LIV. That the assistant barristers of the several counties in Ireland shall, at the sessions by law appointed for fixing the times for holding the sessions fix the times for holding the sessions at any additional place or places, which shall be as near to the time for holding the other sessions as can conveniently be appointed by the clerk of the peace, who shall notify the time for holding such additional sessions in the same manner as he is now required to notify the time for holding the Quarter Sessions and other sessions of the peace.

And after reciting that by the said Act, 58 Geo. 3, it is enacted, that in all cases where any process upon any civil bill is thereby directed to be served upon any person, or to be affixed as therein mentioned, the said process shall be so served or affixed thirty clear days at the least previous to the day therein named for hearing and determining upon such civil bill: And that such last-mentioned provision has been found to be in many cases inconvenient, and it is expedient that the same should be altered or modified;—

It is Enacted,

LV. That from and after the passing of this Act, in all proceedings to be had or taken under the said Acts, 56 and 58 Geo. 3. and 1 Geo. 4, or this Act, where it would by virtue of the said recited Acts or any of them be necessary to serve or affix any such process as aforesaid thirty clear days at the least previous to the day therein named for hearing and determining upon such civil bill, the serving or affixing such process in manner in the said recited Act mentioned fifteen clear days at the least previous to the day therein named for hearing and determining upon such civil bill shall be to all intents and purposes good, valid, and sufficient.

And after reciting that doubts are entertained respecting the jurisdiction of the assistant barrister in cases where one or more of the defendants in an action resides or reside out of the county wherein such action is brought;—

It is Enacted,

LVI. That if one or more defendant or defendants resides or reside in the county or riding in which a civil bill shall be brought, the assistant barrister may make a decree against him or them, though another or other defendant or defendants may reside out of the jurisdiction of such barrister.

And after reciting that by 4 Geo. 4. c. 43, a salary of 30*l.* of the late currency of Ireland is provided for the crier at sessions in and for the county of Cork, which said county has been since divided into two ridings for the purpose of having separate and distinct sessions in each of the said ridings, but no provision was then made respecting the said salary of 30*l.*;—

It is Enacted,

LVII. That it shall and may be lawful for the grand jury of the county of Cork and such grand jury are hereby required to present, to be raised off the respective portions of the said county constituting the said east riding and west riding, in lieu of the said annual sum of 30*l.* the two several sums not exceeding 25*l.* yearly, as and for the salary of each of the criers at sessions in the said two ridings, and that all enactments in the said last-mentioned Act relative to the salaries of criers at sessions shall extend to the said two salaries in like manner as if the same had been embodied in this present Act.

LVIII. That it shall and may be lawful for the assistant barristers in Ireland for the time being, or the majority of them, by and with the advice and consent of the Chief Justice or one of the Justices of the Court of King's Bench, and they are hereby required, to make and issue such general orders as they shall think fit for regulating the forms and manner of proceeding in the civil bill courts in Ireland, and for the settling and ascertaining the fees to be allowed to attorneys on proceedings by civil bill in cases where such fees are not specified or regulated by this Act or any Act heretofore made and provided, and for carrying the provisions of this Act into execution, and for simplifying, establishing, and settling the course of practice in the said courts or any of them, and from time to time to annul, alter, or vary any order or orders so as aforesaid made, and to make any new general order or orders for the like purpose; and copies of all such orders shall be transmitted to the clerks of the peace of the respective counties in Ireland, to be by them kept and preserved in their offices, and there to remain open at all times to public inspection; and such orders shall have the same effect and be as binding as if they were contained in this Act.

LIX. That from and after the commencement of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor of Ireland for the time being, by and with the advice of the Privy Council, to direct that a general session of the peace and civil bill court shall be held four times in every year in all or any of the towns appointed for holding sessions, and the Lord Lieutenant or other Chief Governor of Ireland for the time being shall nominate and appoint the baronies or half baronies or parishes for which respectively such sessions shall be held.

LX. That if any person taking an oath or making a declaration or affirmation in any action, examination, or other proceeding under the provisions of this Act, shall wilfully and corruptly swear, declare, or affirm falsely, he shall be deemed guilty of perjury, and shall be liable to be prosecuted and punished accordingly; and if in any such action, examination, or other proceeding, the assistant barrister shall deem any witness or party to have so far wilfully and corruptly sworn, declared, or affirmed falsely as that in his opinion such witness or party ought to be prosecuted at the expense of the county within which the witness or party shall have so sworn or affirmed or declared, and shall certify such opinion in writing, then and in every such case, if any prosecution takes place, the Court in which such prosecution shall take place shall make an order for payment of the expenses of such prosecution by the treasurer of the county.

LXI. That all Acts heretofore passed and now in force relating to civil bill courts shall remain in full force and effect, except so far as the same or any part thereof respectively are or is hereby expressly varied.

LXII. That in any case where the decree of any civil bill court may be set up as a defence to any action in any superior court it shall not be incumbent on the party to plead such decree specially, but it shall be lawful for him to plead the general issue, and to give the decree in evidence as special matter.

LXIII. That in the construction of this Act all and every the powers and authorities conferred on assistant barristers in Ireland shall and may be exercised and performed in the county of Dublin by the chairman of the sessions of the peace for the

county of Dublin, and in the city of Dublin by the recorder of the city; and so far as relates to the several matters and things to be done by or within the jurisdiction of the chairman of the county of Dublin, or of the recorder of the city of Dublin, the several proceedings and duties hereby directed to be had and done in the office of and by the clerk of the peace shall be had and done in the office of and by the register of the chairman of the county of Dublin, and in the office of and by the clerk or register of civil bills for the city of Dublin; and the provisions of this Act in relation thereto shall extend to such register of the chairman of the county of Dublin, to such clerk or register of civil bills; and wherever the clerk of the peace is named in this Act, the provision shall extend to the acting or deputy clerk of the peace, or other officer discharging the duties of a clerk of the peace under the civil bill Acts; and that the words "party and person," whenever used in this Act, shall extend to and include any corporation; and that all words importing the singular number or masculine gender shall be construed to extend to and include many persons as well as one person, and females as well as males, unless there be something in the context or provision repugnant to or inconsistent with such construction.

LXIV. That all jurisdictions, powers, and authorities conferred upon the assistant barristers of counties in relation to proceedings by civil bill previously to the passing of this Act, are hereby conferred upon the chairman of the sessions of the peace for the county of Dublin and the recorder of the city of Dublin.

LXV. That this Act shall commence and take effect from and after the 1st of November 1836.

LXVI. That this Act may be repealed, altered, or amended in this present session of Parliament.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

Form of Civil Bill to be served upon the Defendant pursuant to this Act.

<p>A. B. of in the County of [Residence and Addition of Plaintiff]</p>	}	<p>County of Division of to wit.</p> <p>By the Assistant Barrister at the Sessions for the said County.</p>	<p>THE Defendant is hereby required personally to appear before the said Assistant Barrister at on the Day of to answer the Plaintiff's Bill for [state the Cause of Action], or in default thereof the said Assistant Barrister will proceed as to Justice shall appertain. Dated this Day of One thousand eight hundred and Signed by [or on behalf of] the Plaintiff.</p>
<p>Do. of Plaintiff. Defendant.</p>			

Form of a Decree for Recovery of Lands.

<p>A. B. Plaintiff.</p>	}	<p>County of Division of to wit.</p> <p>By the Assistant Barrister at the Sessions for said County.</p>	<p>It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant for Recovery of [here state the Cause of Action, as in Civil Bill], and it appearing to the Court that the Plaintiff is enti- tled to the said It is therefore ordered and decreed by the Court, That the Plaintiff do recover from the Defendant the said together with costs; and the Sheriff for the said County of is hereby commanded to take possession of the said and deliver up the same to the Plaintiff; and the said Sheriff or the Bailiffs for the said County, and the several Bailiffs of the several other Counties of Ireland, is and are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the said Costs. Dated this Day of One thousand eight hundred and .</p>
<p>C. D. Defendant.</p>			<p>Attorney for the Plaintiff. Clerk of the Peace. Assistant Barrister.</p>

[Assistant Barrister's Warrant to be added.]

Order of Replevin.

THE Sheriff of the County of is hereby required without Delay to cause to be replevied to A. B. (if
he shall give sufficient Security) the Goods and Chattels which C. D. unjustly detains. Signed the Day of
One thousand eight hundred and thirty .

Y. Z.
Clerk of the Peace for the said County of

Form of a Decree for Payment of Damages for improper Distress.

County of Division of to wit.

By the Assistant Barrister at the Sessions for said County.

Plaintiff. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Plaintiff having been improperly distrained by the Defendant; and it appearing to the Court that the Distress in dispute was improperly made, or that the Amount due at the time of the Distress, with reasonable Costs of Distress, had been duly tendered: It is therefore ordered and decreed by the Court, that the Plaintiff do recover from Defendant the Sum of for Damages and Costs; and the Bailiffs for the said County are hereby commanded to take in Execution the Body or Goods of the said Defendant to satisfy the same.

Dated this Day of One thousand eight hundred and .

Attorney for Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

Form of a Decree for Defendant in case of Distress.

County of Division of to wit.

Plaintiff. } By the Assistant Barrister at the Sessions for the said County.
Defendant. }

It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Recovery of Damages on account of the Goods and Chattels of the Defendant having been improperly distrained, and it appearing to the Court that the Distress in dispute was not improperly made: It is therefore ordered and decreed by the Court, That the Defendant do recover from the Plaintiff the Sum of for Rent due, and for Costs; and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the Body or Goods of the said Plaintiff to satisfy the same. Dated this Day of One thousand eight hundred and .

Attorney for Defendant.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

Form of Replevin Bond.

County of Division of to wit.

Know all Men by these Presents, That we, A. B. of [Tenant] and C. D. and E. F. in [Sureties], are and each of us is jointly and severally held and firmly bound to Y. Z. Sheriff of the County of the Sum of of lawful British Money, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns, for which payment well and truly to be made we bind ourselves, our Heirs, Executors, and Administrators, and each and every of us binds himself, his Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals, and dated this Day of One thousand eight hundred and thirty- .

The Condition of the above-written Obligation is such, that if the above-bounden A. B. do prosecute his Suit against G. H. of in the Court of the Assistant Barrister for the said County of at the Sessions which will be held for the said County in the Month of next, for the taking and unjustly detaining of his Goods and Chattels, to wit [specify the Goods and Chattels], or do return all the said Goods and Chattels to the said G. H., his Executors or Administrators, then the above-written Obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Form of a Decree for Payment of a Legacy.

County of Division of to wit.

By the Assistant Barrister at the Sessions for said County.

A. B. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant as Executor of
Plaintiff. } A. B. for Recovery of the Sum of [here state the Cause of Action, as in Civil Bill], and it appearing to the
C. D. } Court that is due to the Plaintiff for his Legacy, and that the Defendant ought to pay the same
Defendant. } and the Costs of this Civil Bill [or Part of the same, as the Case may be]: It is therefore ordered and decreed
by the Court, That the Plaintiff do recover from Defendant the said Sum of together with Costs;
and the Bailiffs for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in
Execution the Body or Goods of the said Defendant to satisfy the said Debt and Costs. Dated this Day of .

One thousand eight hundred and .

Legacy
Costs
Warrant

Attorney for the Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

Form of a Decree for Payment of a distributive Portion of the Assets of an Intestate.

County of _____ Division of _____ to wit.

By the Assistant Barrister at the Sessions for said County.

Plaintiff. } It appearing to the Court that Plaintiff caused a Civil Bill to be brought against the Defendant for Reco-
 Defendant. } very of the Sum of for his distributive Portion as one of the next of Kin of the
 Assets of of who died intestate, and it appearing to the Court that the Plaintiff is one of
 the next of Kin of the said and entitled to and that the Defendant is the Administrator
 of the said and that the Defendant has in his Hands of the Assets of the said a Sum
 sufficient to pay the Plaintiff's Demand [or Part of same, as the Case may be]: It is therefore ordered and decreed by the Court,
 That the Plaintiff do recover from Defendant the said Sum of together with Costs; and the Bailiffs
 for the said County, and the Bailiffs of the several other Counties in Ireland, are hereby commanded to take in Execution the
 Body or Goods of the said Defendant to satisfy the said Debt and Costs. Dated this Day of One thousand
 eight hundred .
 Distribution Share, £
 Costs
 Warrant

Attorney for Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

Form of a Dismiss of a Civil Bill.

No. County of Division of to wit,

By the Assistant Barrister at the Sessions for said County.

Defendant. } It appearing to the Court that the Plaintiff caused the Defendant to be served with Process to appear here
Plaintiff. } this present Session for [here state the Cause of Action from the Civil Bill], and that the Plaintiff hath failed
to prove his said Demand [or Right, as the Case may be]: It is therefore decreed by the Court, That the Plaintiff's Bill be
and the same is hereby dismissed, and that the Defendant do recover against the Plaintiff the Sum of
for Costs; and the Bailiffs for the said County, and the Sheriffs and Bailiffs of the several other Counties in Ireland, are
hereby commanded to take in Execution the Plaintiff's Body or Goods to satisfy the said Costs. Dated this
Day of One thousand eight hundred and .
Costs, £
Warrant

Attorney for Defendant.
Clerk of the Peace for said County.
Assistant Barrister.

Form of Assistant Barrister's Warrant.

County of _____ Division of _____ to wit.

I authorize and empower A. B. _____ of _____ one of the Bailiffs of this County, and his Associates, to execute the above Decree. Given under my Hand and Seal this _____ Day of _____ One thousand eight hundred and _____ Assistant Barrister of said County. [Seal.]

Form of Warrant for Costs in Ejectment Cases.

C. D. Plaintiff. } WHEREAS a Decree for Possession has been pronounced in this Cause; I do hereby authorize A. B.
E. F. Defendant. } one of the Bailiffs of this County, to levy the Sum of being the Amount of the Costs
given in the said Action.

SECOND SCHEDULE.

Containing a LIST of the FEES to be paid to the ASSISTANT BARRISTERS, CLERKS of the PEACE, ATTORNEYS, SHERIFFS, REPLEVINGERS, and BAILIFFS, for the Discharge of the several Duties in this Schedule specified.

To the Plaintiff's Attorney, for drawing or signing Civil Bill, 6d.

To the Plaintiff's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, entering the Civil Bill, for attending the hearing, (except in Ejectment, Replevin, and Legacy Cases,) and preparing any Summons required for Witnesses, and every Notice to produce Documents, to require the Attendance of any Party, or for any other Purpose, 2s. 6d.

To the Defendant's Attorney, for the like, and entering Defence, 2s. 6d.

- To the Plaintiff's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, and attending the hearing of Ejectment Cases under this Act, and preparing all such Notices and Summonses, 7s. 6d.
- To the Defendant's Attorney, for attending and taking Instructions for hearing, directing the necessary Proofs, and attending the hearing of Ejectment Cases under this Act, and preparing all such Notices and Summonses, 7s. 6d.
- To the Plaintiff's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount of Rent distrained for shall not exceed the Sum of 20l., and preparing all such Notices and Summonses, 7s. 6d.
- To the Plaintiff's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount distrained for shall exceed the Sum of 20l., and preparing all such Notices and Summonses, 1l. 1s.
- To the Defendant's Attorney, for attending and taking Instructions in Replevin Cases under this Act, and attending the hearing thereof, where the Amount distrained for shall not exceed the annual Sum of 20l. and preparing all such Notices and Summonses, 7s. 6d.
- To the Defendant's Attorney, for like, where the Amount shall exceed 20l., 1l. 1s.
- To the Plaintiff's Attorney, for attending the hearing of Cases relating to Legacies and Distribution of Intestate's Effects, and preparing all such Notices and Summonses, 5s.
- To Defendant's Attorney, for the like, and preparing all such Notices and Summonses, 5s.
- To the Plaintiff's Attorney, for attending and taking Instructions, and attending hearing in any Case for Recovery of a Penalty, 10s. 6d.
- To Defendant's Attorney, for the like, 10s. 6d.
- To the Plaintiff's Attorney, for drawing up and signing any Decree or Renewal, 1s.
- To the Defendant's Attorney, for drawing up and signing any Dismiss or Renewal, 1s.
- To the Clerk of the Peace, for entering any Civil Bill, 3d.
- To the same, for signing any Decree or Dismiss, 3d.
- To the same, for signing and entering any Renewal, 4d.
- To the same, for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal with Judge's Register, 1s.
- To the same, for issuing Order to Replevin, and entering Civil Bill thereon, and in lieu of all Charges relating to the Proceedings in Replevin Cases under this Act, 1s. 6d.
- To same, for each Copy of any Inventory of Assets lodged with him, and attesting same, per Folio of 90 Words, 4d.
- To the same, for entering any Verdict of a Jury, 1s.
- To the Assistant Barrister, for signing any Decree or Dismiss (except Ejectment and Replevin Cases, and Cases relating to Legacies and Distribution of Intestate's Effects), 1s.
- To same, for signing Decree or Dismiss in Ejectment, and in Cases relating to Legacies and Distribution of Intestate's Effects, 5s.
- To same, for Ditto in Replevin Cases, 10s.
- To the same, for signing a Renewal of any Decree or Dismiss, and Affidavit to ground same, 1s.
- To the Sheriff, for giving the Possession to any Party under a Civil Bill Ejectment Decree, 10s. 6d.
- To the Sheriff or his Replevinger, in drawing Affidavit of the Value of Goods distrained, and taking any Recognizance in Replevin Cases under this Act, and in full of all Charges for any Duties to be discharged by him relating thereto, 3s. 4d.
- To the Bailiffs to be appointed pursuant to this Act, for executing any Decree or Order, for any Sum not exceeding 1l.—1s.; and for any larger Sum, 2s. 6d.
- And 3d. in the Pound on the Amount recovered under such Execution.
- To the Sheriff, for summoning a Jury, 1s.

CAP. LXXVI.

AN ACT to reduce the Duties on Newspapers, and to amend the Laws relating to the Duties on Newspapers and Advertisements.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Reduced duties granted on newspapers in lieu of duties repealed.*—Duties to commence on the 15th September 1836.—*Powers and provisions of existing Stamp Acts to extend to the duties granted by this Act.*
2. *Discount of 25l. per cent. allowed on newspaper stamps in Ireland.*
3. *A separate stamp or die to be used for each newspaper.*—After 31st December 1836 no newspaper to be printed on paper not stamped with such appropriated die.
4. *Newspapers subject to the regulations of this Act.*
5. *Particulars to be printed on newspapers with supplements.*—Penalty for omission, 20l.—Penalty for publishing supplements without the newspapers, 20l.
6. *No person to print or publish a newspaper until a declaration be made and delivered at the Stamp Office.*—*Fresh declaration to be made in certain cases.*—*Before whom declarations are to be made.*—Penalty if the declaration be false or defective.
7. *Penalty for printing or publishing a newspaper, such declaration not having been made, 50l.*
8. *Declarations to be filed, and certified copies to be admitted in evidence against the persons making the same.*—*Commissioners, &c. to deliver certified copies of declarations, and the same to be received in evidence.*—After production of the declaration, and a

newspaper intituled as therein mentioned, it shall not be necessary to prove the purchase of the paper.—Penalty on unauthorized persons giving certificates, and on Commissioners or officers giving false certificates, 100*l*.

9. Service of legal process at the place of printing or publishing mentioned in the declaration shall be deemed sufficient service.
10. Titles of newspapers and names of printers and publishers to be entered in a book, and persons to have liberty to inspect it.
11. Printers, publishers, and proprietors of newspapers to give security for payment of the duties on advertisements.—Penalty for neglect or refusal, 100*l*.
12. Printers, &c. who have made affidavits and given security before the commencement of this Act not required to renew the same, except in the cases mentioned.—Cases in which such affidavits and securities shall be renewed.—Printers, &c. of the London and Dublin Gazettes not required to make declarations of the proprietorship.
13. Copies of newspapers shall be delivered to the Commissioners of Stamps and Taxes on penalty of 20*l*., and may be produced in evidence.—Commissioners may allow printer to lodge his paper with any distributor.
14. Name of printer and other particulars to be printed on newspapers.
15. None but Commissioners of Stamps and Taxes or their officer shall supply paper stamped for printing newspapers without having given security, with such conditions as herein mentioned.—Printer, &c. of newspaper shall not supply other printers with stamps.
16. Persons concerned in printing newspapers not duly stamped shall be debtors to His Majesty for the duty.
17. Penalty on persons printing, publishing, and selling, &c. newspapers not duly stamped, 20*l*.
18. Penalty for sending abroad newspapers not duly stamped.—Officers of stamp duties may seize unstamped newspapers.
19. Discovery of proprietors, printers, or publishers of newspapers may be enforced by bill, &c.
20. The duty on advertisements inserted in newspapers when and where to be paid.—Stamped paper may be refused to persons in arrear for advertisement duty.
21. A printed copy of every pamphlet or paper containing advertisements to be brought to the Stamp Office to be entered, and the duty thereon to be paid.—Penalty for neglect to pay duty, 20*l*.
22. Justices of the Peace on information upon oath may grant warrants to search for unstamped newspapers, and to seize presses, &c. used in printing the same.
23. On refusal of admittance on the execution of any search warrant, constables or peace officers may break open doors.—Penalty on persons resisting constables and officers acting in the execution of their duties under this Act, 20*l*.—Constables and peace officers to aid and assist in the execution of warrants.—Penalty for refusal or neglect of duty.
24. Persons possessed of printing presses may give notice thereof at the Stamp Office, and return lists of periodical papers for the printing of which such presses are used.
25. Persons who shall give such notice and deliver such list not to be liable to any penalty by reason of printing on unstamped paper any paper specified in such list, unless previous notice be given to them by a Commissioner or officer of stamp duties of its liability to stamp duty.
26. Limitation of actions against persons acting under Stamp Acts.—Venue local.—Notice of action.—General issue.—Tender of *amends*.—Costs.
27. Recovery of penalties.—No *essoign*, &c.—Application of penalties.
28. Mode of proceeding for the recovery of penalties before Justices of the Peace.—Appeal to sessions.—Notice of appeal.—Sessions may give costs.—Persons convicted to give security on appeal.—No *certiorari*.—Justices may mitigate penalties.
29. Form of conviction.
30. For compelling attendance of witnesses before Justices.
31. What shall be deemed good service of process, &c. in proceedings under this Act.
32. Repeal of Acts and parts of Acts, and duties thereby granted.—Acts passed in the Parliaments of Great Britain, viz. 10 Ann. c. 19; 11 Geo. 1. c. 8; 16 Geo. 2. c. 26; 5 Geo. 3. c. 46; 13 Geo. 3. c. 65; 16 Geo. 3. c. 34; 20 Geo. 3. c. 28; 29 Geo. 3. c. 50; 34 Geo. 3. c. 72; 37 Geo. 3. c. 90; 38 Geo. 3. c. 78.—Acts passed in the Parliaments of Ireland, viz. 23 & 24 Geo. 3. c. 28; 38 Geo. 3. c. 7.—Acts passed in the Parliaments of the United Kingdom, viz. 41 Geo. 3. c. 10; 44 Geo. 3. c. 98; 49 Geo. 3. c. 50; 55 Geo. 3. c. 80; 55 Geo. 3. c. 185; 56 Geo. 3. c. 56; 60 Geo. 3. c. 9; 6 Geo. 4. c. 119; 3 & 4 Will. 4. c. 25; 5 Will. 4. c. 2.
33. Exception of all arrears of duty and all penalties, &c. incurred.—This Act not to revive any Act heretofore expired or repealed, nor to annul any indemnity granted.
34. Stamps rendered useless by this Act may be cancelled and allowed.
35. Construction of the terms used in this Act.
36. Act may be altered.

By this Act,

After reciting that it is expedient to reduce the stamp duties now payable on newspapers in Great Britain and Ireland respectively, and to consolidate and amend the laws relating thereto and also to the duties on advertisements:—

It is Enacted,

1. That in lieu of the stamp duties on newspapers by this Act repealed as hereinafter mentioned there shall be granted, raised, levied, and paid unto and for the use of His Majesty, his heirs and successors, in and throughout the United Kingdom of Great Britain and Ireland, the several duties or sums of money set down in figures, or otherwise specified and set forth, in the Schedule marked (A.) to this Act annexed; which said Schedule, and every clause, regulation, matter, and thing therein contained, shall be deemed and taken to be part of this Act; and the said duties hereby granted shall commence and take effect on the 15th of September 1836, and shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Stamps and Taxes, who are hereby empowered and required to provide and use proper and sufficient dies for expressing and denoting the said duties; and all the powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties, contained in and imposed by the several Acts of Parliament in force relating to the stamp duties, and not repealed by this Act, shall be of full force and effect with respect to the duties hereby granted, as far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied,

enforced, and put in execution for the raising, levying, collecting, and securing of the said duties hereby granted and otherwise relating thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the said duties hereby granted.

II. That a discount after the rate of 25*l.* per centum on the prompt payment of any sum amounting to 10*l.* or upwards, for the duties on newspapers granted by this Act, shall be allowed to all proprietors of newspapers in Ireland on the purchase of stamps for the printing of newspapers in Ireland, which discount shall be denoted on the face of every stamp in respect of which the same shall be allowed: Provided always, that if any newspaper shall be printed in Great Britain upon paper stamped with a stamp denoting the allowance of any such discount, such stamp shall be of no avail, and such newspaper shall be deemed to be not duly stamped as required by this Act.

III. That from and after the 31st of December next after the passing of this Act in the stamp to be impressed on each and every newspaper under the provisions of this Act the title of such newspaper, or some part thereof, shall be expressed in such convenient manner and form as to the said Commissioners of Stamps and Taxes shall seem expedient; and the said Commissioners shall cause a proper die for stamping each such newspaper to be prepared under their directions, and a new or other die to be from time to time prepared, in like manner as they shall think necessary; and the reasonable costs and expenses of preparing such stamps or dies shall be from time to time defrayed by the proprietor of each such newspaper, and paid when and as required by the said Commissioners to such person as the said Commissioners shall appoint to receive the same, before any paper shall be stamped under the directions of such Commissioners for each such newspaper: and that from and after the 31st of December next after the passing of this Act no newspaper liable to duty under this Act shall be printed upon paper not stamped with such die, containing the title of such newspaper, or some part thereof as aforesaid; and if any newspaper shall be printed on paper stamped otherwise than as aforesaid the stamp thereon shall be of no avail, and such newspaper shall be deemed to be not duly stamped as required by this Act.

IV. That every paper declared by the Schedule (A.) to this Act annexed to be chargeable with the duties by this Act granted on newspapers shall be deemed and taken to be a newspaper within the meaning of this Act and of every Act relating to the printing or publishing of newspapers, and shall be subject and liable to all the regulations by this Act imposed; and whatsoever in this Act or in any other Act or Acts relating to the printing or publishing of newspapers the word "newspaper" is or may be used, it shall be deemed and taken to mean and include any and every such paper as aforesaid; and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe by the word "newspaper" any paper by this Act declared to be a newspaper, without further or otherwise designating or describing the same.

V. That every sheet or piece of paper which shall be published as a supplement to any newspaper, except the *London Gazette* and *Dublin Gazette* respectively, shall be printed with the same title and date as the newspaper to which it shall be or shall purport to be a supplement, with the addition of the words "supplement to" prefixed to such title; and upon every such newspaper, except as aforesaid, there shall be printed in conspicuous characters some words clearly indicating that a supplement is published therewith; and if any sheet or piece of paper shall be published as a supplement to any newspaper, such supplement and the newspaper to which the same shall relate, not having printed thereon respectively the several particulars by this Act required to be printed thereon respectively, and in the manner and form by this Act directed, the publishers of such newspaper shall for every such sheet or piece of paper so published as a supplement, and for every copy thereof, forfeit the sum of 20*l.*; and if any person shall sell, deliver out, or in any other manner publish any sheet or piece of paper which shall be or shall purport to be a supplement to any newspaper, without at the same time selling or otherwise publishing and delivering therewith the newspaper to which the same shall be or purport to be a supplement, every such person so offending shall for every such offence forfeit the sum of 20*l.*

VI. That no person shall print or publish, or shall cause to be printed or published, any newspaper before there shall be delivered to the Commissioners of Stamps and Taxes, or to the proper authorized officer at the head office for stamps in Westminster, Edinburgh, or Dublin respectively, or to the distributor of stamps or other proper officer appointed by the said Commissioners for the purpose in or for the district within which such newspaper shall be intended to be printed and published, a declaration in writing containing the several matters and things hereinafter for that purpose specified; that is to say, every such declaration shall set forth the correct title of the newspaper to which the same shall relate, and the true description of the house or building wherein such newspaper is intended to be printed, and also of the house or building wherein such newspaper is intended to be published, by or for or on behalf of the proprietor thereof, and shall also set forth the true name, addition, place of abode of every person who is intended to be the printer or to conduct the actual printing of such newspaper, and of every person who is intended to be the publisher thereof, and of every person who shall be a proprietor of such newspaper who shall be resident out of the United Kingdom, and also of every person resident in the United Kingdom who shall be a proprietor of the same, if the number of such last-mentioned persons (exclusive of the printer and publisher) shall not exceed two, and in case such number shall exceed two, then of such two persons, being such proprietors resident in the United Kingdom, the amount of whose respective proportional shares in the property or in the profit or loss of such newspaper shall not be less than the proportional share of any other proprietor thereof resident in the United Kingdom, exclusive of the printer and publisher, and also where the number of such proprietors resident in the United Kingdom shall exceed two, the amount of the proportional shares or interests of each several proprietors whose names shall be specified in such declaration; and every such declaration shall be made and signed by every person named therein as printer or publisher of the newspaper to which such declaration shall relate, and by each of the said persons named therein as proprietors as shall be resident within the United Kingdom; and a declaration of the like import shall be made, signed, and delivered in like manner whenever and so often as any share, interest, or property severally in any newspaper named in any such declaration shall be assigned, transferred, divided, or changed by act of the parties or by operation of law, so that the respective proportional shares or interests of the persons named in any such declaration as proprietors of such newspaper, or either of them, shall respectively become less than the proportional share or interest of any other proprietor thereof, exclusive of the printer and publisher, and also whenever and so often as any printer, publisher, or prop-

nor named in any such declaration, or the person conducting the actual printing of the newspaper named in any such declaration shall be changed, or shall change his place of abode, and also whenever and so often as the title of any such newspaper or the printing office or the place of publication thereof shall be changed, and also whenever in any case, or on any occasion, or for any purpose, the said Commissioners, or any officer of stamp duties authorized in that behalf, shall require such declaration to be made, signed, and delivered, and shall cause notice in writing for that purpose to be served upon any person, or to be left or posted at any place mentioned in the last preceding declaration delivered as aforesaid, as being a printer, publisher, or proprietor of such newspaper, or as being the place of printing or publishing any such newspaper respectively; and every such declaration shall be made before any one or more of the said Commissioners, or before any officer of stamp duties or other person appointed by the said Commissioners either generally or specially in that behalf; and such Commissioners or any one of them, and such officer or other person, are and is hereby severally and respectively authorized to take and receive such declaration as aforesaid; and if any person shall knowingly and wilfully sign and make any such declaration in which shall be inserted or set forth the name, addition, or place of abode of any person as a proprietor, publisher, printer, or conductor of the actual printing of any newspaper to which such declaration shall relate, who shall not be a proprietor, printer, or publisher thereof, or from which shall be omitted the name, addition, or place of abode of any proprietor, publisher, printer, or conductor of the actual printing of such newspaper, contrary to the true meaning of this Act, or in which any matter or thing by this Act required to be set forth shall be set forth otherwise than according to the truth, or from which any matter or thing required by this Act to be truly set forth shall be entirely omitted, every such offender being convicted thereof shall be deemed guilty of a misdemeanor.

VII. That if any person shall knowingly and wilfully print or publish, or shall cause to be printed or published, or either as a proprietor or otherwise sell or deliver out any newspaper relating to which such declaration as aforesaid, containing such matters and things as are required by this Act to be therein contained, shall not have been duly signed and made and delivered when and so often as by this Act is required, or any other matter or thing required by this Act to be done or performed shall not have been accordingly done or performed, every person in any such case offending shall forfeit for every such act done the sum of 50*l.* for every day on which any such newspaper shall be printed or published, sold or delivered out, before or until such declaration shall be signed and made and delivered, or before or until such other matter or thing shall be done or performed as by this Act is directed; and every such person shall be disabled from receiving any stamped paper for printing such newspaper until such declaration shall be signed and made and delivered, or until such other matter or thing shall be done and performed.

VIII. That all such declarations as aforesaid shall be filed and kept in such manner as the Commissioners of Stamps and Taxes shall direct for the safe custody thereof; and copies thereof, certified to be true copies as by this Act is directed, shall respectively be admitted in all proceedings, civil and criminal, and upon every occasion whatsoever, touching any newspaper mentioned in any such declaration, or touching any publication, matter, or thing contained in any such newspaper, as conclusive evidence of the truth of all such matters set forth in such declaration as are hereby required to be therein set forth, and of their continuance respectively in the same condition down to the time in question, against every person who shall have signed such declaration, unless it shall be proved that previous to such time such person became lunatic, or that previous to the publication in question on such trial such person did duly sign and make a declaration that such person had ceased to be a printer, publisher, or proprietor of such newspaper, and did duly deliver the same to the said Commissioners or to such officer as aforesaid, or unless it shall be proved that previous to such occasion as aforesaid a new declaration of the same or a similar nature respectively, or such as may be required by law, was duly signed and made and delivered as aforesaid respecting the same newspaper, in which the person sought to be affected on such trial did not join; and the said Commissioners, or the proper authorized officer by whom any such declaration shall be kept according to the directions of this Act, shall, upon application in writing made to them or him respectively by any person requiring a copy certified according to this Act of any such declaration as aforesaid, in order that the same may be produced in any civil or criminal proceeding, deliver such certified copy or cause the same to be delivered to the person applying for the same upon payment of the sum of 1*s.* and no more; and in all proceedings and upon all occasions whatsoever a copy of any such declaration certified to be a true copy under the hand of one of the said Commissioners or of any officer in whose possession the same shall be, upon proof made that such certificate hath been signed with the handwriting of a person described in or by such certificate as such Commissioner or officer, and whom it shall not be necessary to prove to be a Commissioner or officer, shall be received in evidence against any and every person named in such declaration as a person making or signing the same as sufficient proof of such declaration, and that the same was duly signed and made according to this Act, and of the contents thereof; and every such copy so produced and certified shall have the same effect for the purposes of evidence against any and every such person named therein as aforesaid, to all intents whatsoever, as if the original declaration of which the copy so produced and certified shall purport to be a copy had been produced in evidence, and been proved to have been duly signed and made by the person appearing by such copy to have signed and made the same as aforesaid; and whenever a certified copy of any such declaration shall have been produced in evidence as aforesaid against any person having signed and made such declaration, and a newspaper shall afterwards be produced in evidence intitled in the same manner as the newspaper mentioned in such declaration is intitled, and wherein the name of the printer and publisher and the place of printing shall be the same as the name of the printer and publisher and the place of printing mentioned in such declaration, or shall purport to be the same, whether such title, name, and place printed upon such newspaper shall be set forth in the same form of words as is contained in the said declaration, or in any form of words varying therefrom, it shall not be necessary for the plaintiff, informant, or prosecutor in any action, prosecution, or other proceeding, to prove that the newspaper to which such action, prosecution, or other proceeding may relate was purchased of the defendant, or at any house, shop, or office belonging to or occupied by the defendant, or by his servants or workmen, or where he may usually carry on the business of printing or publishing such newspaper, or where the same may be usually sold; and if any person, not being one of the said Commissioners or the proper authorized officer, shall give any certificate purporting to be such certificate as aforesaid, or shall presume to certify any of the matters or things by this Act directed to be certified by such Commissioner or officer, or which such Commissioner or officer is hereby empowered or intrusted to certify; or if any such Commissioner or officer shall knowingly and wilfully falsely certify under his hand that any such declaration as is required to be made by this Act was duly signed and made before him, the same not having been so signed and made, or shall

knowingly and wilfully falsely certify that any copy of any declaration is a true copy of the declaration of which the same is certified to be such copy, the same not being such true copy, every person so offending shall forfeit the sum of 100*l*.

ix. That in any suit, prosecution, or proceeding, civil or criminal, against any printer, publisher, or proprietor of any newspaper, service at the house or place mentioned in any such declaration as aforesaid as the house or place at which such newspaper is printed or published, or intended so to be, of any notice or other matter required or directed by this Act to be given or left, or of any summons, subpoena, rule, order, writ, or process of what nature soever, either to enforce an appearance, or for any other purpose whatsoever, shall be taken to be good and sufficient service thereof respectively upon and against every person named in such declaration as the printer, publisher, or proprietor of the newspaper mentioned in such declaration.

x. That the Commissioners of Stamps and Taxes shall cause to be entered in a book to be kept at the bead office for stamps in Westminster, Edinburgh, and Dublin respectively the title of every newspaper registered at the said respective offices, and also the names of the printers and publishers thereof as the same appear in the declarations required by this Act to be made relating to such newspapers respectively, and all persons shall have free liberty to search and inspect the said book from time to time during the hours of business at the said offices without payment of any fee or reward.

xi. That no person shall print or publish, or shall cause to be printed or published, any newspaper, nor shall any officer of stamp duties or any vender of stamps for newspapers sell or deliver any stamped paper for newspapers to any printer or publisher of any newspaper, or to any person on his account, before or until such printer and publisher, together with the proprietor of such newspaper, or such one or more of the proprietors thereof, as in the judgment of the Commissioners of Stamps and Taxes or of the proper authorized officer may be sufficient for the purpose, together also with two sufficient sureties, to be approved of by the said Commissioners or such officer as aforesaid, shall have entered into security by bond to His Majesty in such sum as the said Commissioners or officer shall think reasonable and sufficient for payment of the duties which shall or may from time to time be payable for the advertisements which shall be printed or inserted in such newspaper; and every such bond, when duly executed, shall be delivered to and deposited with the proper authorized officer at the respective head offices for stamps in Westminster, Edinburgh, or Dublin, according as such newspaper shall be printed in England, Scotland, or Ireland; and such bond shall be renewed from time to time, with sureties to be approved as aforesaid, whenever any one or more of the parties thereto shall die, or become bankrupt or insolvent, or reside in parts beyond the sea, and also whenever and so often as the said Commissioners or any officer of stamp duties authorized in that behalf shall require the same to be renewed, and shall give notice to the printer, publisher, or any proprietor of such newspaper for that purpose; and every person who shall print or publish, or shall cause to be printed or published, any newspaper before such bond shall have been entered into and delivered as aforesaid, or who shall neglect or refuse to renew such bond in manner aforesaid whenever the same is or shall be required to be renewed by or in pursuance of this Act, shall forfeit the sum of 100*l*., for every day on which such newspaper shall be so printed and published before such bond shall have been entered into and delivered as aforesaid.

xii. That no person being a printer or publisher or proprietor of any newspaper at the time of the commencement of this Act, and who in pursuance of any Act in force immediately before the commencement of this Act shall have signed and sworn and delivered any affidavit, or shall have given or entered into any bond or security of the same nature and for the like purposes as any declaration or bond required by this Act, shall by reason of the passing of this Act be required or bound to deliver or make any new declaration, or to give or enter into any new bond or security, touching any newspaper mentioned in such former affidavit or bond or security, but every such affidavit and every such bond or security so made and delivered before the commencement of this Act as to the newspaper therein mentioned, whether the same shall be published before or after the commencement of this Act, shall be deemed and taken to be a compliance with this Act; and a copy of every such affidavit, certified as aforesaid, shall in all proceedings and upon all occasions whatsoever be received as conclusive evidence, against any and every person named in such affidavit as a person making, signing, or swearing the same, of all the matters therein contained, in the same manner as is hereinbefore provided with respect to any declaration which may be made in pursuance of this Act, and shall be of the same force and effect to all intents and purposes as if the same had been made subsequent to the commencement of this Act, and in conformity with the provisions hereof: Provided nevertheless, that in case the Commissioners of Stamps and Taxes, or any authorized officer of stamp duties, shall, by notice in writing to be given in the manner hereinbefore directed, require a declaration to be made and delivered, or any new bond or security to be given or entered into, in conformity with the provisions of this Act, by any such printer, publisher, or proprietor of any such newspaper, or in case any transfer, change, or alteration shall take place in the share, interest, or property of any person named in such affidavit relating to any such newspaper, or in the place of abode of the printer or publisher thereof, or of any proprietor named in such affidavit, or the place of printing the same, or in the person by whom the printing of such newspaper shall be conducted, or in the title of any such newspaper, then and in every such case a declaration shall be made and delivered, and a new bond shall be entered into and given, according to the provisions of this Act; and every printer, publisher, or proprietor of any such newspaper who shall knowingly and wilfully continue to print or publish any such newspaper, after the happening of any of the events aforesaid, before or until a declaration containing all the particulars required by this Act shall be made and delivered, and a new bond shall be entered into and given, according to the directions of this Act, shall be subject to all such penalties and disabilities as such printer, publisher, or proprietor would have been subject or liable to under this Act if no declaration relating to such newspaper had ever been made, nor any such bond entered into: And provided also, that nothing contained in this Act shall extend to require the printer, publisher, or proprietor of the *London Gazette* or *Dublin Gazette* to make any declaration required by this Act; but the printers and publishers of the said respective gazettes shall enter into the bonds by this Act required, together with the sureties hereinbefore mentioned, for securing the payment of the duties upon all advertisements which shall be printed in the said gazettes respectively; and shall renew the same from time to time in like manner as the printers and publishers of other newspapers are or may be required to renew their respective bonds by or under this Act.

xiii. That the printer or publisher of every newspaper printed or published in the city of London, Edinburgh, or Dublin, or within twenty miles of any of the said cities respectively, shall upon every day on which such newspaper shall be published

or on the day next following which shall not be a holiday, between the hours of ten and three on each day, deliver or cause to be delivered to the Commissioners of Stamps and Taxes or to the proper authorized officer, at the head office for stamps in one of the said cities respectively in or nearest to which such newspaper shall be printed or published, one copy of every such newspaper and of every second or other varied edition or impression thereof so printed or published, with the name and place of abode of the printer or publisher thereof, signed and written thereon after the same shall be printed by his proper hand and in his accustomed manner of signing, or by some person appointed and authorized by him for that purpose, and of whose appointment and authority notice in writing, signed by such printer or publisher in the presence of and attested by an officer of stamp duties, shall be given to the said Commissioners, or to the officer to whom such copies are to be delivered; and the printer or publisher of every newspaper printed or published in any other place in the United Kingdom shall, upon every day on which such newspaper shall be published, or within three days next following, in like manner between the hours of ten and three, deliver or cause to be delivered to the distributor of stamps or other authorized officer in whose district such newspaper shall be printed or published two copies of every such newspaper, and of every second or other varied edition or impression thereof so printed or published, with the name and place of abode of the printer or publisher thereof signed and written thereon in manner aforesaid after the same shall be printed, and the same copies shall be carefully kept by the said Commissioners, or by such distributor or officer as aforesaid, in such manner as the said Commissioners shall direct; and such printer or publisher shall be entitled to demand and receive from the Commissioners, or such distributor or officer, once in every week, the amount of the ordinary price of the newspapers so delivered; and every printer and publisher of such newspaper who shall neglect to deliver or cause to be delivered in manner hereinbefore directed such copy or copies signed as aforesaid, shall for every such neglect respectively forfeit the sum of 20*l*.; and in case any person shall make application in writing to the said Commissioners, or to such distributor or officer as aforesaid in order that any newspaper so signed as aforesaid may be produced in evidence in any proceeding, civil or criminal, the said Commissioners, or distributor or officer, shall, at the expense of the party applying, at any time within two years from the publication thereof, either cause such newspaper to be produced in the court in which and at the time when the same is required to be produced, or shall deliver the same to the party applying for the same, taking according to their discretion reasonable security, at the expense of such party, for returning the same to the said Commissioners, or such distributor or officer, within a certain period to be fixed by them respectively; and in case by reason that such newspaper shall have been previously applied for in manner aforesaid by any other person the same cannot be produced or cannot be delivered according to any subsequent application, in such case the said Commissioners, or such distributor or officer as aforesaid, shall cause the same to be produced or shall deliver the same as soon as they are enabled so to do; and all copies so delivered as aforesaid shall be evidence against every printer, publisher, and proprietor of every such newspaper respectively in all proceedings, civil or criminal, to be commenced and carried on, as well touching such newspaper as any matter or thing therein contained, and touching any other newspaper, and any matter or thing therein contained which shall be of the same title, purport, or effect with such copy so delivered as aforesaid, although such copy may vary in some instances or particulars either as to title, purport, or effect; and every printer, publisher, and proprietor of any copy so delivered as aforesaid shall to all intents and purposes be deemed to be the printer, publisher, and proprietor respectively of all newspapers which shall be of the same title, purport, or effect with such copies or impressions so delivered as aforesaid, notwithstanding such variance as aforesaid, unless such printer, publisher, or proprietor respectively shall prove that such newspapers were not printed or published by him, nor by nor with his knowledge or privy: Provided always, that if any printer or publisher of any newspaper which shall not be printed and published in the cities of London, Edinburgh, or Dublin, or within twenty miles of the said cities respectively, shall find it more convenient to cause such copies of such newspaper to be delivered to any other distributor of stamps than the distributor in whose district such newspaper shall be published, and such printer or publisher shall state such matter by petition to the Commissioners of Stamps and Taxes, and pray that he may have liberty to cause such copies to be delivered to such other distributor as he shall so name at the office of such distributor, it shall be lawful for the said Commissioners to order the same accordingly, and from and after the date of such order the place of publication of such newspaper shall for that purpose only be deemed and taken to be within the district of such other distributor until the same shall be otherwise ordered by the said Commissioners.

XIV. That at the end of every newspaper, and of any and every supplement sheet or piece of paper, shall be printed the christian name and surname, addition, and place of abode of the printer and publisher of the same, and also a true description of the house or building wherein the same is actually printed and published respectively, and the day of the week, month, and year on which the same is published; and if any person shall knowingly and wilfully print or publish, or cause to be printed or published, any newspaper or supplement thereto whereon the several particulars aforesaid shall not be printed, or whereon there shall be printed any false name, addition, place, or day, or whereon there shall be printed any description of the place of printing or publishing such newspaper which shall be different in any respect from the description of the house or building mentioned in the declaration required by this Act to be made relating to such newspaper as the house or building wherein such newspaper is intended to be printed or published, every such person shall for any and every such offence forfeit the sum of 20*l*.

XV. That it shall not be lawful for any person other than a Commissioner of Stamps and Taxes, or officer of stamp duties, to sell, supply, or part with any paper stamped for the purpose of being used for printing newspapers thereon, unless nor until such person shall be duly licensed and authorized by the said Commissioners to vend newspaper stamps, and shall have given security by bond to His Majesty, with sufficient sureties, to be approved of by the said Commissioners, in such sum as the said Commissioners shall think reasonable, and the several conditions of such bond shall be as follow; (that is to say,) that such vendor of newspaper stamps shall and will deliver or cause to be delivered to the said Commissioners, within four days after the end of every six weeks, a true and accurate account of the quantities and kinds of all paper stamped as aforesaid by him sold, supplied, or delivered during such six weeks immediately preceding, and to what persons, naming them; and that such vendor will not sell, supply, or part with any such paper to or on account of any person other than a printer, publisher, or proprietor of a newspaper; and that such vendor will not sell, supply, or part with such paper to or on account of any such printer, publisher, or proprietor, until the person applying for the same shall have delivered to such vendor a certificate signed by one or more of the said Commissioners, or by the proper authorized officer of stamp duties, purporting that such security as is required by law hath been given by the printer, publisher, and proprietor respectively of the newspaper for the printing of which such

stamped paper is to be sold, supplied, or parted with, and that such declaration hath been made and delivered respecting the same as is by this Act required; and that such vendor will not sell, supply, or part with any such paper to or on account of any printer, proprietor, or publisher of any newspaper, with respect to whom notice shall be given to such vendor by the said Commissioners or any such officer that such security has not been duly given, or has not been renewed, pursuant to this Act, or is not remaining in force, or that the parties or any of them who have given the same are or is dead, or gone abroad, or are or is not to be found, or that such parties or any of them have or hath given notice that they or he are or is no longer concerned as printers, publishers, or proprietors, or as a printer, publisher, or proprietor of such newspaper, or that no such declaration respecting the same, as required by this Act, hath been made and delivered, or that any such printer, publisher, or proprietor hath become disabled or disqualified under this Act to be the printer, publisher, or proprietor of any such newspaper or to receive stamped paper for the purpose of printing the same; and if any person as aforesaid shall sell, supply, or part with any such stamped paper for the purpose aforesaid without having given such security as aforesaid, or if any person who shall obtain or receive any stamped paper for the printing of any newspaper of which he is or shall be the printer, publisher, or proprietor, shall furnish or supply any other person with any such stamped paper, or if any person shall use for the printing of any newspaper any stamped paper which he shall receive or be furnished with by or from any person other than the said Commissioners or their officers, or some person duly authorized to sell or distribute such stamped paper, every person so offending shall for every such offence forfeit the sum of 50*l*.; and in any proceeding for recovery of such penalty in the last-mentioned case it shall lie on the person sought to be charged with such offence to prove that the stamped paper used by such person in the printing of any newspaper was obtained by such person from the said Commissioners or their officers, or from some person duly authorized to sell or distribute such stamped paper; any law or usage to the contrary notwithstanding.

XVI. That every person printing or publishing, or being concerned either as proprietor or otherwise in printing or publishing, any newspaper upon paper not duly stamped, shall be deemed and taken to owe to his Majesty such sums of money as would have accrued to his Majesty in case the same had been printed upon paper duly stamped; and whenever any information or bill shall be filed, or other proceeding shall be had on His Majesty's behalf, for discovery of the matters aforesaid, and for an account and payment of such sums, it shall not be lawful for the defendant to plead or demur to such information, bill, or proceeding, but he shall be compellable to make such discovery as shall be thereby required to be made: Provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against any such defendant except only in that proceeding in which the discovery is made.

XVII. That if any person shall knowingly and wilfully print or publish, or cause to be printed or published, any newspaper on paper not duly stamped according to law, or if any person shall knowingly and wilfully sell, utter, or expose to sale, or shall dispose of or distribute, any newspaper not duly stamped as aforesaid, or if any person shall knowingly and wilfully have in his possession any newspaper not duly stamped as aforesaid, every person so offending in any of the cases aforesaid shall for every such newspaper, and for every copy thereof not duly stamped, forfeit the sum of 20*l*.; and moreover it shall be lawful for any officer of stamp duties, or for any person appointed or authorized by the Commissioners of Stamps and Taxes in that behalf, to seize and apprehend such offender aforesaid, and to take him or cause him to be taken before any Justice of the Peace having jurisdiction where the offence shall be committed, who shall hear and determine the matter in a summary way; and if upon conviction such offender shall not immediately pay the penalty or penalties in which he shall be convicted, such Justice shall forthwith commit him to prison for any time not exceeding three calendar months nor less than one calendar month, unless such penalty or penalties shall be sooner paid: Provided always, that if any such offender as aforesaid shall not be apprehended and proceeded against in the manner hereinbefore directed, then the said penalty or penalties incurred by any such offence as aforesaid shall be recoverable by any other of the ways and means provided for the recovery of penalties incurred under this Act.

XVIII. That if any person shall knowingly and wilfully directly or indirectly send or carry, or endeavour to send or carry, or cause or procure to be sent or carried, or do or cause to be done any act whatever for or towards the sending or carrying, or for or towards the causing or procuring to be sent or carried, or with intent that the same should be sent or carried, out of any part of the United Kingdom, any newspaper, the same not being duly stamped according to law, such person shall forfeit for every such offence the sum of 50*l*.; and it shall be lawful for any officer of stamp duties, or for any person appointed or authorized by the Commissioners of Stamps and Taxes in that behalf, without any other warrant than this Act, to seize and take away all newspapers not duly stamped wheresoever the same shall be found, unless the same shall be in the possession of some person having the custody thereof by lawful authority; and all newspapers not duly stamped which shall be seized or taken under any of the provisions of this Act shall be destroyed or otherwise disposed of as the Commissioners of Stamps and Taxes may direct.

XIX. That if any person shall file any bill in any court for the discovery of the name of any person concerned as printer, publisher, or proprietor of any newspaper, or of any matters relative to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any seditious or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compellable to make the discovery required: Provided always, that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant save only in that proceeding for which the discovery is made.

XX. That the printer, publisher, or proprietor of every newspaper shall, within twenty-eight days after the last day of every calendar month, pay or cause to be paid the duty chargeable on all and every advertisement and advertisements contained in or published with such newspaper during the said calendar month to the Receiver General of Stamps and Taxes, or to the proper officer appointed to receive the same, at the head office for stamps in the cities of Westminster, Edinburgh, or Dublin respectively, if such newspaper shall be printed or published within any of the said cities, or within twenty miles thereof respectively, and if the same shall be printed or published in any other part of the United Kingdom, then to the distributor of stamps in whose district such newspaper shall be printed or published; and if any printer, publisher, or proprietor of any newspaper shall neglect to pay within ten days next after notice given to him by any officer of stamp duties, after the

expiracion of the said term of twenty-eight days, the duty on any such advertisement, it shall be lawful for the Commissioners of Stamps and Taxes, and their officers, and they are hereby required to refuse to sell or deliver, and also to give notice to and to require any vendor of such stamped paper to refuse to sell or deliver, to or for the use of such printer, publisher, or proprietor, any such stamped paper for printing such newspaper thereon until all arrears of advertisement duty to the payment of which such printer, publisher, or proprietor may be subject shall be duly paid and discharged up to and for the last day of the month next preceding the month in which such payment shall be made.

XXI. That one printed copy of every periodical literary work or paper (not being a newspaper), containing or having published therewith any advertisements or advertisement liable to stamp duty, which shall be published within the cities of London, Edinburgh, or Dublin respectively, or within twenty miles thereof respectively, shall, within the space of six days next after the publication thereof, be brought, together with all advertisements printed therein, or published or intended to be published therewith, to the head office for stamps in Westminster, Edinburgh, or Dublin nearest to which such literary work or paper shall have been published, and the title thereof, and the christian name and surname of the printer and publisher thereof, with the number of advertisements contained therein or published therewith, and any stamp duty by law payable in respect of such advertisements, shall be registered in a book to be kept at such office, and the duty on such advertisements shall be there paid to the Receiver General of Stamps and Taxes for the time being, or his deputy or clerk, or the proper authorized officer; and one printed copy of every such literary work or paper as aforesaid which shall be published in any place in the United Kingdom not being within the cities of London, Edinburgh, or Dublin, or within twenty miles thereof respectively, shall, within the space of ten days next after the publication thereof, be brought, together with all such advertisements as aforesaid, to the head distributor of stamps for the time being within the district in which such literary work or paper shall be published, and such distributor is hereby required forthwith to register the same in manner aforesaid in a book to be by him kept for that purpose, and the duty payable in respect of such advertisements shall be thereupon paid to such distributor; and if the duty which shall be by law payable in respect of any such advertisements as aforesaid shall not be duly paid within the respective times and in the manner hereinbefore limited and appointed for that purpose, the printer and publisher of such literary work or paper, and every other person concerned in the printing or publishing thereof, and the publisher of any such advertisements, shall respectively forfeit the sum of 20*l*. for every such offence; and in any action, information, or other proceeding for the recovery of such penalty, or for the recovery of the duty on any such advertisements, proof of the payment of the said duty shall lie upon the defendant.

XXII. That upon information given before any Justice of the Peace upon the oath of one or more credible person or persons (which oath such Justice is hereby empowered and required to administer) that there is reasonable and probable cause to suspect any person of being or having been at any time within one calendar month last preceding in any way knowingly and wilfully engaged or concerned in printing, publishing, vending, or otherwise distributing any newspaper not duly stamped as required by law, or of being unlawfully possessed of any newspapers not duly stamped as aforesaid, or that any printing press, engine, machine, types, or other implements or utensils for printing is or are or have been by any person knowingly and wilfully used within the time last aforesaid for the purpose of composing or printing any newspaper not duly stamped as aforesaid, or that any such newspapers are sold or distributed, or kept for sale or distribution, or are unlawfully deposited in any place, then and in every such case it shall be lawful for such Justice and he is hereby required, upon the application of any officer of stamp duties, to grant a warrant under his hand, directed to any constable or other peace officer, or any officer of stamp duties, or other person or persons named in such warrant, authorizing and empowering him or them, with such other person or persons as he or they shall call to his or their assistance, to enter and search in the daytime any house, room, shop, warehouse, outhouse, building, or other place belonging to such suspected person, or where such person shall be suspected of being engaged or concerned or of having been engaged or concerned in the commission of any such illegal act as aforesaid, or where any such printing-press, engine, machine, types, implements, or utensils suspected to be or to have been used for any such illegal purpose as aforesaid shall be or be suspected to be, or where any such newspapers as aforesaid are suspected to be sold or distributed, or kept or deposited as aforesaid; and if upon any such search as aforesaid any newspapers not duly stamped as aforesaid, or any printing-press, engine, machine, types, implements, or utensils which shall have been used in printing or publishing any such newspaper as aforesaid within the time last aforesaid, shall be found, it shall be lawful for the person or persons named in such warrant, and his or their assistant or assistants, to seize and take away the same, together with all other presses, engines, machines, types, implements, utensils, and materials for printing belonging to the same person, or which shall be found in the same house, room, shop, warehouse, outhouse, building, or place; and all such presses, engines, machines, types, implements, utensils, and materials shall be forfeited to the use of His Majesty, and shall be proceeded against to condemnation in His Majesty's Court of Exchequer in England, Scotland, or Ireland respectively, in like manner as in the case of any goods seized as forfeited for any breach of the laws relating to His Majesty's revenues of Customs or Excise.

XXIII. That upon the execution of any warrant granted under this Act, authorizing any search to be made in any house, room, shop, warehouse, outhouse, building, or other place, if on demand of admittance and notice of any such warrant the door of any such house, room, shop, warehouse, outhouse, building, or other place shall not be forthwith opened, it shall be lawful for the constable or other peace officer having the execution of such warrant, or for any other person or persons to whom such warrant shall be directed, in the presence of any constable or other peace officer, in the daytime, to break open such door and to enter thereat for the purpose of making such search as aforesaid; and if any person shall refuse to permit any constable, peace officer, or officer of stamp duties, or any other person duly authorized in that behalf, to enter into any house, room, shop, warehouse, outhouse, building, or other place, for the purpose of making any search by or under this Act directed or authorized to be made, or shall resist, obstruct, molest, prevent, or hinder any such constable, officer, or person as aforesaid in the making of any such search, or in the execution of any warrant issued under or in pursuance of this Act, or in the seizing or taking away of any goods, chattels, articles, matters, or things which may be lawfully seized or taken, or in the apprehending or detaining of any offender or other person, who may lawfully be apprehended or detained, or otherwise, in the execution of any of the duties, powers, or authorities given to or vested in any such constable, officer, or other person as aforesaid by or under any of the provisions of this Act, every person so offending in any of the several cases aforesaid shall forfeit for every such offence the sum of 20*l*.; and all constables and other peace officers shall be and they are hereby required

to be aiding and assisting in the execution of all warrants issued under this Act; and if any constable or other peace officer shall neglect or refuse to do or perform any service or duty by this Act required or directed to be done or performed by him, or shall neglect or refuse to aid and assist in the execution of any such warrant as aforesaid, or of any of the provisions of this Act, upon proper application or notice made or given to him in that behalf, or shall neglect or refuse to execute or serve any warrant or summons granted or issued pursuant to any of the provisions of this Act, every such constable or peace officer shall forfeit 10*l.* for every such neglect or refusal.

xxiv. That it shall be lawful for every person having in his possession any printing press, or any engine or machine for printing, if he shall think fit, to deliver or cause to be delivered in the manner hereinafter mentioned a notice thereof signed with his own hand in the presence of and attested by an officer of stamp duties, which notice shall specify the christian name and surname and place of abode of the person possessed of any such printing press, engine, or machine, and a true description of the house or building and place in which the same shall be kept and used for printing; and every such person who shall give any such notice as aforesaid shall also at the same time, if he shall think fit, deliver or cause to be delivered in like manner a list of all or any of the periodical papers for the printing of which any such press, engine, or machine is used or intended to be used, and every such person as aforesaid shall afterwards from time to time quarterly, that is to say, within seven days after the 1st of March, the 1st of June, the 1st of September, and the 1st of December in every year, deliver or cause to be delivered in like manner a similar list of all or any of such periodical papers as aforesaid; and in the meantime and from time to time as often as such person shall undertake or permit the printing with any such press, engine, or machine as aforesaid of any periodical paper not specified in the last quarterly list delivered by such person, he shall, if he shall think fit, before the commencement of the printing of such last-mentioned paper, or within three days next after any part or number thereof shall be first printed with any such press, engine, or machine as aforesaid, give notice of the printing thereof in manner hereinafter mentioned; and every such list and notice of papers for the printing of which any such press, engine, or machine is used or intended to be used shall be signed by the person possessed of such printing press, engine, or machine with his own hand, or by some person appointed and authorized by him for that purpose, and of whose appointment and authority notice in writing signed by the person possessed of such press, engine, or machine as aforesaid, in the presence of and attested by an officer of stamp duties, shall be given to the said Commissioners, or to the officer to whom such lists as aforesaid are to be delivered; and every such list and notice of papers printed or to be printed as aforesaid shall specify and set forth the correct title of every such paper, and the name and place of abode of the printer thereof as the same shall appear in the imprint, and also the name and place of abode of the person who shall employ the person possessed of such press, engine, or machine to print or work off such paper, or who shall engage or use any such press, engine, or machine for that purpose; and every such notice as aforesaid relating to the possession of any printing press, engine, or machine, and also every list or notice of the papers printed or to be printed therewith, shall respectively be delivered to the Commissioners of Stamps and Taxes, or to some officer appointed by them to receive the same respectively, at the head office for stamps in Westminster, Edinburgh, or Dublin, according as the person giving any such notice or list shall reside in England, Scotland, or Ireland, or to the distributor of stamps for the district in which such person shall reside.

xxv. That no person who shall have duly given such notice as aforesaid of being possessed of any press, engine, or machine for printing, and shall, within the respective periods and in the manner hereinbefore limited and directed for that purpose, have delivered lists and notices of all or any of the periodical papers for the printing of which any such press, engine, or machine shall be used, shall be liable to any penalty or forfeiture under this Act in respect of any paper, the same not being a registered newspaper, truly specified in the last quarterly list delivered by such person, or in any notice duly given by him since the delivery of the said list, by reason of such paper having been printed with any such press, engine, or machine of the possession of which such notice as aforesaid shall have been given, although such paper may be liable to stamp duty, and may have been printed on paper not duly stamped, unless the same shall be a registered newspaper, or unless the same shall have been so printed as aforesaid, after notice given by the Commissioners of Stamps and Taxes, or some officer of stamp duties, in the manner hereinafter mentioned; (that is to say,) provided always, that if a notice signed by any one or more of the Commissioners of Stamps and Taxes, or by any officer of stamp duties, shall be delivered to any person possessed of any such printing press, engine, or machine, or shall be left for him at the place mentioned in any notice given by him as aforesaid as the place of his abode, or the place where such printing press, engine, or machine is used for printing, informing him that any paper is chargeable with stamp duty as a newspaper under this Act, then if the same shall be so chargeable, and such person shall after such notice as aforesaid continue to print such paper, or any subsequent part or number thereof, or any paper of the like nature, whether under the same or any different form or title, or if after such notice as aforesaid such person shall permit or suffer any press, engine, or machine belonging to him or in his possession to be used for the printing of any such paper, part, or number as aforesaid, such person shall be liable to all the penalties and forfeitures imposed by this Act for any offence committed against any of the provisions thereof, after such notice as aforesaid, without any further or other notice or caution: Provided also, that every person who shall neglect or omit to give any such notice or to deliver any such list as aforesaid in the manner and form and within the time hereinbefore directed and limited in that behalf, shall be liable to and chargeable with all penalties and forfeitures imposed by this Act for any offence committed against the provisions thereof, without any previous notice or caution whatsoever.

xxvi. That all actions and prosecutions which shall be brought or commenced against any person for anything done in pursuance or under the authority of this Act shall be commenced and prosecuted within three calendar months next after the fact committed, and not afterwards, and shall in England or Ireland be brought and tried in the county or place where the cause of action shall arise, and not elsewhere, and shall in Scotland be brought in the Court of Exchequer; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in such action may plead the general issue, and give this Act and any other matter or thing in evidence at any trial to be had thereupon; and if the cause of action shall appear to arise from any matter or thing done in pursuance and by the authority of this Act, or if any such action shall be brought after the expiration of such three calendar months, or shall be brought in any other county or place than as aforesaid, or if notice of such action shall not have been given in manner aforesaid, or if tender of sufficient amends shall have been made before such action commenced, or

if a sufficient sum of money shall have been paid into court after such action commenced by or on behalf of the defendant, the jury shall find a verdict for the defendant; and if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or shall discontinue any such action, or if, on demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit as between attorney and client, and shall have the like remedy for the same as any defendant may have for costs of suit in other cases at law.

XXVII. That all pecuniary penalties under this Act may be sued or prosecuted for and recovered for the use of His Majesty in the name of His Majesty's Attorney General or Solicitor General in England or Ireland, or of His Majesty's Advocate General or Solicitor General in Scotland, or of the Solicitor of Stamps and Taxes in England or Scotland, or of the Solicitor of Stamps in Ireland, or of any person authorized to sue or prosecute for the same, by writing under the hands of the Commissioners of Stamps and Taxes, or in the name of any officer of stamp duties, by action of debt, bill, plaint, or information in the Court of Exchequer at Westminster in respect of any penalty incurred in England, and in the Court of Exchequer in Scotland in respect of any penalty incurred in Scotland, and in the Court of Exchequer in Dublin or by civil bill in the court of the recorder, chairman, or assistant barrister within whose local jurisdiction any offence shall have been committed, in respect of any penalty incurred in Ireland, or in respect of any penalty not exceeding 20*l.*, by information or complaint before one or more Justice or Justices of the Peace in any part of the United Kingdom, in manner by this Act provided; and it shall not be lawful for any person other than as aforesaid to inform, sue, or prosecute for any such penalty as aforesaid except where, in the case of apprehending an offender by any person appointed or authorized by the Commissioners of Stamps and Taxes in that behalf, it is by this Act otherwise expressly provided and allowed; and it shall be lawful in all cases for the Commissioners of Stamps and Taxes, either before or after any proceedings commenced for recovery of any such penalty, to mitigate or compound any such penalty as the said Commissioners shall think fit, and to stay any such proceedings after the same shall have been commenced, and whether judgment may have been obtained for such penalty or not, on payment of part only of any such penalty, with or without costs, or on payment only of the costs incurred in such proceeding, or of any part thereof, or on such other terms as such Commissioners shall judge reasonable: Provided always, that in no such proceeding as aforesaid shall any assign, protection, wager of law, nor more than one impariance be allowed; and all pecuniary penalties imposed by or incurred under this Act, by whom or in whose name soever the same shall be sued or prosecuted for or recovered, shall go and be applied to the use of His Majesty, and shall be deemed to be and shall be accounted for as part of His Majesty's revenue arising from stamp duties, anything in any Act contained, or any law or usage, to the contrary in anywise notwithstanding: Provided always, that it shall be lawful for the Commissioners of Stamps and Taxes, at their discretion, to give all or any part of such penalties as rewards to any person or persons who shall have detected the offenders, or given information which may have led to their prosecution and conviction.

XXVIII. That it shall be lawful for any Justice of the Peace within whose jurisdiction any offence the penalty for which shall not exceed 20*l.* shall be committed against this Act, and such Justice is hereby required, upon any information exhibited or complaint made by any person duly authorized in that behalf, to summon the party accused and also the witnesses on either side to be and appear before the said Justice or before any other Justice of the Peace at a time and place to be appointed for that purpose, and whether the party accused shall appear or not it shall be lawful for the said Justice or any other Justice present at the time and place appointed for such appearance to proceed to examine into the fact, and upon due proof made thereof to the satisfaction of any such Justice, either by confession of the party accused or by the oath of one or more credible witness or witnesses, to convict such offender, and to give judgment for the penalty and costs to be assessed by any such Justice, and to issue his warrant for levying such penalty and costs, and also the reasonable costs and charges attending the distress, on the goods of such offender, and to cause sale to be made thereof, in case the same shall not be redeemed within five days, rendering to the party the overplus, if any; and where goods sufficient cannot be found to answer such penalty and costs, such Justice, or any other Justice of the district or place in which such conviction shall take place, shall commit such offender to the common gaol or house of correction, there to remain for any time not exceeding three calendar months nor less than one calendar month, unless such penalty, costs, and charges shall be sooner paid and satisfied; and if any person shall find himself aggrieved by the judgment of any such Justice, it shall be lawful for such person to appeal against the same to the Justices at the next General or Quarter Sessions of the Peace for the district or place where the offence shall have been committed which shall be held next after the expiration of ten days from the day on which such conviction shall have been made, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the first day of such sessions, and it shall be lawful for such Justices at such sessions to examine witnesses on oath, and finally to hear and determine such appeal; and in case any conviction of such Justice shall be affirmed it shall be lawful for the Justices at such sessions to award and order the person convicted to pay such costs occasioned by such appeal as to them shall seem meet: Provided always, that no person convicted before any such Justice shall be entitled or permitted to appeal against such conviction in manner aforesaid unless within three days after such conviction made he shall enter into a recognizance, with two sufficient sureties, before such Justice, to enter and prosecute such appeal, and to pay the amount of the penalty and costs in which he shall have been convicted, and also such further costs as shall be awarded in case such conviction shall be affirmed on such appeal: Provided also, that no such proceedings so to be taken as aforesaid shall be quashed or vacated for want of form, or shall be removed by certiorari, suspension, advocacy, or reduction, or by any other writ or process whatsoever, into any superior or other court or jurisdiction in any part of the United Kingdom, any law, statute, or usage to the contrary notwithstanding: And provided also, that it shall be lawful for any Justice of the Peace before whom any person shall be convicted of any offence against this Act to mitigate as he shall see fit any pecuniary penalty by this Act imposed in cases where such Justice shall see cause so to do; provided that all reasonable costs and charges incurred as well in discovering as in prosecuting for such offence shall be always allowed, over and above the sum to which such penalty shall be mitigated, and provided that such mitigation do not reduce the penalty to less than one-fourth of the penalty incurred, exclusive of such costs and charges, anything herein contained to the contrary notwithstanding.

XXIX. That the Justice before whom any person shall be convicted of any offence under this Act shall cause the conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; (that is to say,)

'County of } Be it remembered, That on the _____ Day of _____ in the Year of our Lord
 'to wit, } at _____ A. B. of _____ was duly convicted before me C. D. Esquire, one of His
 'Majesty's Justices of the Peace for the County of _____ in pursuance of an Act passed in the Seventh Year of the
 'Reign of King William the Fourth, intituled [*Title of this Act*], for that the said A. B. [*here state the Offence*], contrary to the
 'Form of the Statute in that Case made and provided, for which Offence I do adjudge that the said A. B. hath forfeited the
 'Sum of _____ and [*if the Justice mitigate the Penalty*] which sum of _____ I do hereby mitigate to the Sum of _____
 'over and above the Sum of _____ which I do allow to E. F. for his reasonable Costs and Expenses in
 'prosecuting this Conviction. Given under my Hand and Seal this _____ Day of _____.'

xxx. That it shall be lawful for any Justice of the Peace to summon any person to appear before such Justice or before any other Justice of the Peace to give evidence touching any offence against the provisions of this Act; and if any person who shall be so summoned shall neglect or refuse to appear, according to the exigency of such summons, at the time and place therein for that purpose named, without reasonable matter of excuse to be stated upon oath and proved to the satisfaction of such Justice before whom any information or complaint shall be depending or shall have been made touching any such offence as aforesaid, or if such person having appeared shall refuse to give evidence respecting any such offence or other matter as aforesaid, then every person so offending shall forfeit 10*l*.

xxx*i*. That in any proceeding either in any court, or before any Justice of the Peace, or otherwise, under this Act, or for summoning any party, witness, or other person in or for the purpose of any such proceeding, it shall not be necessary that the original or any other process or summons, or any notice, demand, or order whatsoever, should be personally served on the defendant or person to be summoned, but it shall be sufficient that such process, summons, notice, demand, or order, or a copy thereof respectively, be left at the last known place of abode of such defendant or person to be summoned.

xxx*ii*. That the several Acts and parts of Acts hereinafter mentioned, or so much and such part and parts thereof as are now in force, and the stamp duties thereby granted, or such of them as are now payable upon or in respect of newspapers, shall respectively remain and continue in force and be payable until and upon the 14th of September 1836, and shall from thenceforth cease, determine, and be repealed, (that is to say,) the several Acts and parts of Acts passed in the Parliaments of Great Britain hereinafter specified, namely,

So much of 10 Ann. c. 19, passed for the purpose (amongst other things) of laying duties upon several kinds of stamped vellum, parchment, and paper, and upon certain printed papers, pamphlets, and advertisements, as relates in any manner to the stamp duties on newspapers or the duties on advertisements, or as imposes any penalty with relation to the said duties or either of them:

And so much of 11 Geo. 1. c. 8, passed for the purpose (amongst other things) of explaining the said last-mentioned Act in relation to the stamp duties on newspapers, as in any manner relates to the stamp duties on newspapers:

And so much of 16 Geo. 2. c. 26, passed for the purpose (amongst other things) of punishing the vendors of unstamped newspapers, as in any manner relates to such purpose:

And so much of 5 Geo. 3. c. 46, intituled, 'An Act for altering the Stamp Duties upon Admissions into Corporations or Companies, and for further securing and improving the Stamp Duties in Great Britain,' as requires security to be given to His Majesty for payment of the duties on advertisements:

And the whole of 13 Geo. 3. c. 65, intituled, 'An Act for explaining Two Acts made in the Eleventh Year of the Reign of King George the First and the Thirtieth Year of the Reign of His late Majesty in relation to the Stamp Duties upon Newspapers:'

And so much of 16 Geo. 3. c. 34, passed for the purpose (amongst other things) of granting several rates and duties upon indentures, leases, bonds, and other deeds, and upon cards, dice, and newspapers, as in any manner relates to newspapers or to the stamp duties thereon:

And so much of 20 Geo. 3. c. 28, passed for the purpose (amongst other things) of granting additional duties on advertisements, as relates to such duties:

And so much of 29 Geo. 3. c. 50, for granting additional stamp duties on newspapers, advertisements, cards, and dice, as in any manner relates to newspapers or advertisements, or to the duties thereon respectively:

And the whole of 34 Geo. 3. c. 72, intituled, 'An Act to enable the Commissioners of His Majesty's Stamp Duties to stamp the Paper used for printing Newspapers thereon in Sheets of Single Demy Paper instead of Sheets of Double Demy Paper:'

And so much of 37 Geo. 3. c. 90, passed for the purpose (amongst other things) of granting certain stamp duties on the several matters therein mentioned, as in any manner relates to newspapers or to the duties thereon, or to any discount or allowance in respect of the said duties:

And the whole of 38 Geo. 3. c. 78, intituled, 'An Act for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like Nature by Persons not known, and for regulating the Printing and Publication of such Papers in other respects:'

And the whole of two several Acts passed in the Parliaments of Ireland hereinafter specified; (that is to say,)

An Act, 23 & 24 Geo. 3. c. 28, intituled, 'An Act to secure the Liberty of the Press by preventing the Abuses arising from the Publication of traitorous, seditious, false, and slanderous Libels by Persons unknown:'

And an Act, 38 Geo. 3. c. 7, for amending the said last-mentioned Act:

And the several Acts and parts of Acts passed in the Parliaments of the United Kingdom of Great Britain and Ireland hereinafter specified; (that is to say,)

So much of an Act, 40 Geo. 3, intituled, 'An Act to revive, amend, continue, or make perpetual certain temporary Statutes,' as makes perpetual or otherwise relates to the 38 Geo. 3. c. 7. (I.)

And so much of 41 Geo. 3. c. 10, for granting certain additional stamp duties, as in any manner relates to the stamp duties on newspapers, or to any discount or allowance in respect of the said last-mentioned stamp duties:

And so much of 44 Geo. 3. c. 98, intituled, 'An Act to repeal the several Duties under the Commissioners for managing the

Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof, as in any manner relates to newspapers or to the duties thereon, or to any discount or allowance in respect of the said duties :

And the whole of 49 Geo. 3. c. 50, intituled, ' An Act to amend so much of an Act made in the Thirty-seventh Year of His present Majesty, for granting to His Majesty certain Stamp Duties, as relates to the Limitation according to which the Discount on Newspapers is regulated : '

And the whole of 55 Geo. 3. c. 80, intituled, ' An Act to provide for the Collection and Management of Stamp Duties on Pamphlets, Almanacks, and Newspapers in Ireland : '

And so much of 55 Geo. 3. c. 185, intituled, ' An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof, ' as in any manner relates to newspapers or the duties thereon, or to any discount or allowance in respect of the said duties :

And so much of 56 Geo. 3. c. 56, intituled, ' An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties, ' as in any manner relates to newspapers or to the duties thereon, or to any discount or allowance in respect of the said duties :

And so much of 60 Geo. 3. c. 9, intituled, ' An Act to subject certain Publications to the Duties of Stamps upon Newspapers, and to make other Regulations for restraining the Abuses arising from the Publication of blasphemous and seditious Libels, ' as subjects any newspaper or other paper or pamphlet to any stamp duty :

And the whole of 6 Geo. 4. c. 119, intituled, ' An Act to allow Newspapers to be printed upon Paper of a larger size than is now allowed, and to reduce the Stamp Duties now payable upon Supplements to Newspapers and other Papers in Great Britain : '

And so much of 3 & 4 Will. 4. c. 23, intituled, ' An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances, to repeal the Stamp Duties on Pamphlets and on Receipts for Sums under Five Pounds, and to exempt Insurances on Farming Stock from Stamp Duties, ' as provides the mode of collecting the duty on advertisements contained in or published with any pamphlet, periodical paper, or literary work :

And the whole of 5 Will. 4. c. 2, intituled, ' An Act to amend an Act of the Thirty-eighth Year of King George the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like Nature by persons not known, and for regulating the Printing and Publication of such Papers in other respects, and to discontinue certain Actions commenced under the provisions of the said Act :

And the said several Acts and parts of Acts hereinbefore specified shall be and the same are hereby repealed accordingly, save and except only so far as is herein in that behalf provided.

XXXIII. Provided, that nothing in this Act contained shall extend or be construed to extend to repeal any of the hereinbefore mentioned Acts or parts of Acts with respect to any duty or arrears of any duty whatsoever which, before or upon the said 14th of September, 1836, shall have accrued and been incurred under or by virtue of the said Acts or parts of Acts, or any of them respectively, and which shall then or at any time afterwards be or become due or payable and remain in arrear and unpaid, or with respect to any fine, penalty, or forfeiture or punishment incurred and not recovered or suffered for in respect of any offence or crime committed or to be committed against the said several Acts or parts of Acts respectively, or any of them, upon or before the said 14th of September, 1836, or with respect to any proceedings, civil or criminal, commenced or to be commenced against any person for the recovery of any such arrears of duty, or of any such fine, penalty, or forfeiture, or for the infliction of any such punishment as aforesaid, but that all such arrears of duty, fines, penalties, forfeitures, and punishments shall and may respectively be sued or prosecuted for, recovered, obtained, and inflicted, by the same ways and means and in such and the same manner as if this Act had not been passed : And provided also, that nothing in this Act contained shall extend or be construed to extend to repeal any of the said hereinbefore mentioned Acts or parts of Acts so far as the same or any of them repeal the whole or any part of any other Act or Acts ; and that no matter or thing whatever in this Act contained shall revive or be construed to revive, for any period or purpose whatsoever, any Act or Acts, or any part of any Act or Acts, which before the passing of this Act shall have expired, or which by any Act or Acts passed before the passing of this Act shall have been repealed ; and that the repeal of any Act or Acts hereinbefore mentioned, or any other matter or thing in this Act contained, shall not extend or be construed to extend to repeal or annul or in any way to affect any indemnity granted under or by virtue of any Act or Acts so repealed.

XXXIV. That it shall be lawful for any person having in his possession any paper stamped with any of the duties hereby repealed, and not made use of, or who may at any time hereafter have in his possession any paper stamped for denoting the duties by this Act granted, and which may be rendered useless by reason of any change of dies, or by the operation of any of the provisions of this Act, to bring the same to the head office for stamps in London, Edinburgh, or Dublin respectively at any time within six calendar months next after the said 15th of September, 1836, or within six calendar months next after the same shall be so rendered useless, in order that the stamps thereon may be cancelled and allowed ; and it shall be lawful for the Commissioners of Stamps and Taxes or their proper officers to cancel and allow such stamps accordingly, and to stamp such paper or any portion thereof, and any other paper which shall be brought for that purpose, with stamps denoting the duty by this Act granted to the amount or value of the stamps so to be cancelled and allowed as aforesaid, after deducting the amount of any discount allowed thereon.

And in order to avoid the frequent use of divers terms and expressions in this Act, and to prevent any misconstruction of the terms and expressions used therein ;

It is Enacted,

XXXV. That wherever in this Act, with reference to any person, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood and construed to include several persons as well as one person, females as well as males, bodies politic or corporate as well as individuals, and several matters

or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

xxxvi. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

SCHEDULE referred to in this Act.

SCHEDULE (A.)

Containing the Duties imposed by this Act on Newspapers; (that is to say,)

For every Sheet or other Piece of Paper whereon any Newspaper shall be printed, 1d.

And where such Sheet or Piece of Paper shall contain on One Side thereof a Superficies, exclusive of the Margin of the Letter-press, exceeding One thousand five hundred and thirty Inches, and not exceeding Two thousand two hundred and ninety-five Inches, the additional Duty of $\frac{1}{4}$ d.

And where the same shall contain on One Side thereof a Superficies, exclusive of the Margin of the Letter-press, exceeding Two thousand two hundred and ninety-five Inches, the additional duty of 1d.

Provided always, that any Sheet or Piece of Paper containing on One Side thereof a Superficies, exclusive of the Margin of the Letter-press, not exceeding Seven hundred and sixty-five Inches, which shall be published with and as a Supplement to any Newspaper chargeable with any of the Duties aforesaid, shall be chargeable only with the Duty of $\frac{1}{4}$ d.

And the following shall be deemed and taken to be Newspapers chargeable with the said Duties; viz. :—

Any Paper containing public News, Intelligence, or Occurrences printed in any Part of the United Kingdom to be dispersed and made public :

Also any Paper printed in any Part of the United Kingdom weekly or oftener, or at Intervals not exceeding Twenty-six Days, containing only or principally Advertisements :

And also any Paper containing any public News, Intelligence, or Occurrences, or any Remarks or Observations thereon, printed in any Part of the United Kingdom for Sale, and published periodically or in Parts or Numbers at Intervals not exceeding Twenty-six Days between the Publication of any Two such Papers, Parts or Numbers, where any of the said Papers, Parts, or Numbers respectively shall not exceed Two Sheets of the Dimensions hereinafter specified (exclusive of any Cover or Blank Leaf, or any other Leaf upon which any Advertisement or other Notice shall be printed), or shall be published for Sale for a less Sum than Sixpence, exclusive of the Duty by this Act imposed thereon : Provided always, that no Quantity of Paper less than a Quantity equal to Twenty-one Inches in Length and Seventeen Inches in Breadth, in whatever Way or Form the same may be made or may be divided into Leaves, or in whatever Way the same may be printed, shall, with reference to any such Paper, Part, or Number as aforesaid, be deemed or taken to be a Sheet of Paper :

And provided also, that any of the several Papers hereinbefore described shall be liable to the Duties by this Act imposed thereon, in whatever Way or Form the same may be printed or folded, or divided into Leaves or stitched, and whether the same shall be folded, divided, or stitched, or not.

EXEMPTIONS.

Any Paper called " Police Gazette, or Hue and Cry," published in Great Britain by Authority of the Secretary of State, or in Ireland by the Authority of the Lord Lieutenant.

Daily Accounts or Bills of Goods imported and exported, or Warrants or Certificates for the Delivery of Goods, and the Weekly Bills of Mortality, and also Papers containing any Lists of Prices Current, or of the State of the Markets, or any Account of the Arrival, Sailing, or other Circumstances relating to Merchant Ships or Vessels, or any other matter wholly of a Commercial Nature ; provided such Bills, Lists, or Accounts do not contain any other Matter than what hath been usually comprised therein.

CAP. LXXVII.

AN ACT for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenue, so far as they relate to Episcopal Dioceses, Revenues, and Patronage.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Recital of Commissions and Reports.—Commissioners incorporated.*
2. *How vacancies to be supplied.*
3. *Commissioners to subscribe a declaration.*
4. *Five Commissioners to form a quorum.*
5. *Assent of meeting of Episcopal Commissioners essential to Acts under seal, &c.*
6. *Who to be chairman.*
7. *Commissioners to appoint a treasurer, secretary, and other officers.*
8. *Secretary to make and keep minutes.*

9. Commissioners may call and examine witnesses, &c. and administer an oath or a declaration.
10. Commissioners to lay schemes before the King in council for carrying into effect their recommendations.
11. For preventing appointment of clergymen in Wales not acquainted with the Welsh language.
12. King in council may make orders for carrying schemes into effect; which shall be registered in each diocese respectively;—
13. And gazetted;—
14. And then to be of full effect for all purposes and as to all persons.
15. Copies of orders to be laid before Parliament.
16. Registrars to register all orders, subject to a penalty for neglect.
17. Fee to registrar.
18. No commendams to be held by bishops.
19. Jurisdiction of archdeacons.
20. This Act not to affect the jurisdiction of the Ecclesiastical Courts for one year.
21. Monitions to reside and for payment of stipends, &c. to issue in name of the bishop.—Same Court to have jurisdiction therein as at present.
22. Law of bona notabilia not altered for one year.
23. Marriage licences.
24. Ecclesiastical Courts to enforce production of documents.
25. Future appointments to offices in Ecclesiastical Courts not to give a vested interest.
26. Provisions applicable to Church Commissioners under Municipal Reform Act to apply to Commissioners under this Act, 5 & 6 Will. 4. c. 76.

By this Act,

After reciting, that His Majesty was pleased, on the 4th of February and on the 6th of June in the year 1835, to issue two several commissions to certain persons therein respectively named, directing them to consider the state of the several dioceses in England and Wales, with reference to the amount of their revenues, and the more equal distribution of episcopal duties, and the prevention of the necessity of attaching by commendam to bishoprics benefices with cure of souls, and to consider also the state of the several cathedral and collegiate churches in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church, and to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices: And that the said Commissioners have, in pursuance of such directions, made four several reports to His Majesty, bearing date respectively the 17th of March 1835, and the 4th of March, the 20th of May, and the 24th of June 1836: And that the said Commissioners have, in their said reports, amongst other things, recommended that Commissioners be appointed by Parliament for the purpose of preparing and laying before his Majesty in council such schemes as shall appear to them to be best adapted for carrying into effect the following recommendations; and that His Majesty in council be empowered to make orders ratifying such schemes, and having the full force of law; and that the diocese of Canterbury consist of the county of Kent (except the city and deanery of Rochester, and those parishes which it is proposed to include in the diocese of London), and of the parishes of Croydon and Addington, and the district of Lambeth Palace, in the county of Surrey; and that the diocese of London consist of the city of London and the county of Middlesex, of the parishes of Barking, East Ham, West Ham, Little Ilford, Low Layton, Walthamstow, Wanstead, Saint Mary Woodford, and Chingford, in the county of Essex, all in the present diocese of London; of the parishes of Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, and Saint Nicholas Deptford, in the county of Kent, and Saint Paul Deptford in the counties of Kent and Surrey, all now in the diocese of Rochester; of the borough of Southwark, and the parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, Rotherhithe, Streatham, Tooting, Graveney, Wandsworth, Merton, Kew, and Richmond, in the county of Surrey and present diocese of Winchester; and of the parishes of Saint Mary Newington, Barnes, Putney, Mortlake, and Wimbledon, in the county of Surrey and in the peculiar jurisdiction of the Archbishop of Canterbury, together with all extra-parochial places locally situate within the limits of the parishes above enumerated, except the district of Lambeth Palace; and that the diocese of Winchester be diminished by the transfer of the parish of Addington to the diocese of Canterbury, and of the before-mentioned parishes to the diocese of London; and that the whole of the parish of Westminster be transferred from the diocese of Bath and Wells to the diocese of Gloucester and Bristol; and that the city and deanery of Bristol be united to the diocese of Gloucester; and that the southern part of the diocese of Bristol, consisting of the county of Dorset, be transferred to the diocese of Salisbury; and that the diocese of Ely be increased by the counties of Huntingdon and Bedford, now in the diocese of Lincoln, by the deaneries of Lynn and Fincham in the county of Norfolk and diocese of Norwich, and by the archdeaconry of Sudbury in the county of Suffolk and diocese of Norwich, with the exception of the deaneries of Sudbury, Stow, and Hartismere, and by that part of the county of Cambridge which is now in the diocese of Norwich; and that it be declared that the Scilly Islands are within the jurisdiction of the Bishop of Exeter and of the Archdeacon of Cornwall; and that the sees of Gloucester and Bristol be united, and that the diocese consist of the present diocese of Gloucester, of the city and deanery of Bristol, of the deaneries of Cricklade and Malmesbury in the county of Wilts and now in the diocese of Salisbury, and of the whole of the parish of Westminster, now in the diocese of Bath and Wells; and that to the diocese of Hereford be added the deanery of Bridgnorth, now locally situated between the dioceses of Hereford and Lichfield; and that those parts of the counties of Worcester and Montgomery which are now in the diocese of Hereford be transferred to the dioceses of Worcester and Saint Asaph and Bangor respectively; and that the diocese of Lichfield consist of the counties of Stafford and Derby; and that the diocese of Lincoln consist of the counties of Lincoln and Nottingham; and that the latter county, now in the diocese and province of York, be included in the province of Canterbury; and that the diocese of Norwich consist of the counties of Norfolk and Suffolk, except those parts which it is proposed to transfer to the diocese of Ely; and that the diocese of Oxford be increased by the county of Buckingham, now in the diocese of Lincoln, and by the county of Berks, now in the diocese of Salisbury; and that the diocese of Peterborough be increased by the county of Leicester, now in the diocese of Lincoln; and that the diocese of Rochester consist of the city and deanery of Rochester, of the county of Essex (excepting the parishes which it is proposed to leave in the diocese of London), and of the whole county of Hertford; and that to the diocese of Salisbury, reduced according to the foregoing propositions, be added the county of Dorset, now in the diocese of Bristol; and that the diocese of Worcester consist of the whole counties of Worcester and Warwick; and that

the sees of Saint Asaph and Bangor be united, and that the diocese consist of the whole of the two existing dioceses (except that part of the diocese of Saint Asaph which is in the county of Salop) and of those parts of the county of Montgomery which are now in the dioceses of Saint David's and Hereford; and that the diocese of Llandaff consist of the whole counties of Glamorgan and Monmouth; and that the diocese of Saint David's be altered by the transfer of those parts of the counties of Montgomery, Glamorgan, and Monmouth which it is proposed to include in the respective dioceses of Saint Asaph and Bangor and Llandaff; and that the diocese of York consist of the county of York, except such parts thereof as it is proposed to include in the new diocese of Ripon; and that the diocese of Durham be increased by that part of the county of Northumberland called Hexhamshire which is now in the diocese of York; and that the sees of Carlisle and Sodor and Man be united, and that the diocese consist of the present diocese of Carlisle, of those parts of Cumberland and Westmorland which are now in the diocese of Chester, of the deanery of Furnes and Cartmel in the county of Lancaster, of the parish of Alderton, now in the diocese of Durham, and of the Isle of Man; and that the diocese of Chester consist of the county of Chester, of so much of the county of Flint as is now in that diocese, and of so much of the county of Salop as is not in the diocese of Hereford; and that the whole diocese be included in the province of York, and that two new sees be erected in the province of York, one at Manchester and the other at Ripon; and that the diocese of Manchester consist of the whole county of Lancaster except the deanery of Furnes and Cartmel; and that the diocese of Ripon consist of that part of the county of York which is now in the diocese of Chester, of the deanery of Craven, and of such parts of the deaneries of the Ainstey and Pontefract in the county and diocese of York as lie to the westward of the following districts; viz. the liberty of the Ainstey and the wapentakes of Baislam Ash, Osgoldcross, and Staincross; and that all parishes which are locally situate in one diocese, but under the jurisdiction of the bishop of another diocese, be made subject to the jurisdiction of the bishop of the diocese within which they are locally situate; and that such variations be made in the proposed boundaries of the different dioceses as may appear advisable, after more precise information respecting the circumstances of particular parishes or districts; and that the bishops of the two newly erected sees be made bodies corporate, and be invested with all the same rights and privileges as are now possessed by the other bishops of England and Wales, and that they be made subject to the metropolitan jurisdiction of the Archbishop of York, and that the collegiate churches of Manchester and Ripon be made the cathedrals, and that the chapters thereof be the chapters of the respective sees of Manchester and Ripon, and be invested with all the rights and powers of other cathedral chapters; and that the members of these and of all other cathedral churches in England be styled dean and canons; that the chapter of Carlisle be the chapter of the united see of Carlisle and Man; that the bishops of the see of Saint Asaph and Bangor be elected alternately by the Dean and Chapter of Saint Asaph and by the Dean and Chapter of Bangor; that the bishops of the see of Bristol and Gloucester be elected alternately by the Dean and Chapter of Bristol and by the Dean and Chapter of Gloucester; that power be given to determine the future mode of confirming such acts of the Bishop of either of the united sees as may require confirmation by a dean and chapter; and that upon the first avoidance of either of the sees of Saint Asaph or Bangor and of Gloucester or Bristol the Bishop of the other of the sees proposed to be united become *ipso facto* bishop of the two sees, and thereupon become seized and possessed of all the property, advowsons, and patronage belonging to the see so avoided; and that the jurisdiction of the bishop's court in each diocese be co-extensive with the limits of the diocese as newly arranged; and that such arrangements be made with regard to the apportionment of fees payable to the officers of the several diocesan courts as may be deemed just and equitable, for the purpose of making compensation to those officers who may be prejudiced by the proposed alterations; and that such alterations be made in the apportionment or exchange of ecclesiastical patronage among the several bishops as shall be consistent with the relative magnitude and importance of their dioceses when newly arranged, and as shall afford an adequate quantity of patronage to the bishops of the new sees; and that, in order to provide for the augmentation of the incomes of the smaller bishopricks, such fixed annual sums be paid to the Commissioners out of the revenues of the larger sees respectively as shall, upon due inquiry and consideration, be determined on, so as to leave an average annual income to the Archbishop of Canterbury 15,000*l.*, to the Archbishop of York 10,000*l.*, to the Bishop of London 10,000*l.*, to the Bishop of Durham 8,000*l.*, to the Bishop of Winchester 7,000*l.*, to the Bishop of Ely 5,500*l.*, to the Bishop of St. Asaph and Bangor 5,200*l.*, and to the Bishop of Worcester and Bath and Wells respectively 5,000*l.*; and that out of the fund thus accruing fixed annual payments be made by the Commissioners, in such instances and to such amount as shall be in like manner determined on, so that the average annual incomes of the other bishops respectively be not less than 4,000*l.* nor more than 5,000*l.*; and that at the expiration of every seven years, reckoning from the 1st of January 1837, a new return of the revenues of all the bishopricks be made to the Commissioners, and that thereupon the scale of episcopal payments and receipts be revised, so as to preserve, as nearly as may be, to each bishop, an amount of income equivalent to that which shall have been determined in the first instance to be suitable to the circumstances of his bishoprick, and that such revised scale take effect as to each see respectively upon the then next avoidance thereof; and that if, in determining the mode of regulating the episcopal incomes, either in the first instance or on any future revision of them, it shall be deemed expedient to make the alteration required, in any case, by the subtraction or addition of any real estates, such real estates be transferred accordingly; and that out of the property of the see of Durham provision be forthwith made for the completion of those augmentations of poor benefices which the late bishop (meaning thereby the late Right Reverend William Van Mildert,) had agreed to grant, but which he left uncompleted at the time of his death; and that the Bishop of Durham do in future hold the castle of Durham in trust for the University of Durham, and that all expenses of maintaining and repairing the same be defrayed by the University of Durham; and that so soon as the relative values of the several sees under the new arrangements shall have been ascertained apportionment be made of the sums to be thereafter paid by the respective bishops for first fruits, so as to leave the aggregate amount payable from all the sees to the bounty of Queen Anne the same as at present; and that the bishops who shall on the present vacancies succeed to the sees of Durham and Ely be relieved from the excess beyond their due proportion payable for first fruits, and that the residue of the sums due be paid by the Commissioners out of the surplus funds arising from those sees; and that the tenths to be hereafter payable by the respective bishops be regulated by the amount of the first fruits payable under the preceding propositions; and that none of the proposed alterations affecting the boundaries or jurisdiction of any diocese, or the patronage of benefices with cure of souls, or the revenues belonging to any see the bishop of which was in possession on the 4th of March 1836 take effect until the avoidance of the see without the consent of such bishop; and that no ecclesiastical dignity, office, or benefice be in future granted to any bishop to be held in commendam, but that such of the endowments of certain prebends in the cathedrals of Lincoln, Lichfield, Exeter, and Salisbury as now belong to the bishops of the respective dioceses continue annexed to the re-

spective sees; and that fit residences be provided for the Bishops of Lincoln, Landaff, Rochester, Manchester, and Ripon; and that, for the purpose of providing the bishop of any diocese with a more suitable and convenient residence than that which now belongs to his see, sanction be given for purchases or exchanges of houses or lands, or for the sale of lands belonging to the respective sees, and also, where it may be necessary, for the borrowing by any bishop of a sum not exceeding two years income of his see, upon such terms as shall appear to be fit and proper; and that the governors of the bounty of Queen Anne be empowered to lend money upon mortgage to such bishops; and that so much of the sum of 6000*l.* recovered by the late Bishop of Bristol for damages done to the episcopal residence at Bristol, and of its accumulations, as may remain after deducting proper expenses, together with the money arising from the sale of the site of such residence, if sold, be applied to the purchase or erection of a residence for the Bishop of the see of Bristol and Gloucester; and that new archdeaconsries of Bristol, Midsstone, Monmouth, Westmorland, Manchester, Lancaster, and Craven be created, and that districts be assigned to them; and that archidiaconal power be given to the Dean of Rochester within that part of Kent which will remain in the diocese of Rochester; and that the limits of the other existing deaneries and archdeaconsries be newly arranged, so that every parish and extra-parochial place be within a rural deanery, and every deanery within an archdeaconry, and that no archdeaconry extend beyond the limits of one diocese; and that all the archdeaconsries of England and Wales be in the gift of the bishops of the respective dioceses in which they are situate; and that all archdeacons have and exercise full and equal jurisdiction within their respective archdeaconsries: And that it is expedient that the said recommendations should be carried into effect as soon as conveniently may be:—

It is Enacted,

I. That the Lord Archbishop of Canterbury for the time being, the Lord Archbishop of York and the Lord Bishop of London for the time being, John Lord Bishop of Lincoln, James Henry Lord Bishop of Gloucester, the Lord High Chancellor of Great Britain, the Lord President of the Council, the Lord High Treasurer or the first Lord of the Treasury, and the Chancellor of the Exchequer, for the time being respectively, and such one of His Majesty's principal Secretaries of State as shall be for that purpose nominated by His Majesty under his royal sign manual, (such Lord Chancellor, Lord President, Lord High Treasurer or first Lord of the Treasury, Chancellor of the Exchequer, and Secretary of State being respectively members of the United Church of Great Britain and Ireland,) the Right Honourable Dudley Earl of Harrowby, the Right Honourable Henry Hobhouse, and the Right Honourable Sir Herbert Jenner Knight, shall for the purposes of this Act be one body politic and corporate by the name of "The Ecclesiastical Commissioners for England," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have power and authority to take and purchase and hold lands, tenements, and hereditaments, to them, their successors and assigns, for the purposes of this Act, the statutes of Mortmain, or any other Act or Acts, to the contrary hereof notwithstanding.

II. That the two last-named Bishops and the three last-named lay Commissioners shall be at all times removeable by His Majesty in council by warrant under the sign manual; and that when any vacancy shall occur, by death, removal, resignation, or otherwise, among the two last-named Bishops and the three last-named lay Commissioners, or among such of the future Commissioners under this Act as shall not have become such Commissioners by virtue of any dignity or office, according to the provisions of this Act, it shall be lawful for His Majesty to fill up such vacancy by appointing under his royal sign manual, instead of any such Commissioner being a bishop some other bishop of England or Wales, and instead of any such Commissioner being a layman some other layman, being a member of the said church, to be a Commissioner under this Act; and every such bishop or person so to be appointed shall accordingly become to all intents and purposes one of the Commissioners for the purposes of this Act.

III. That every such Commissioner, whether herein named or hereafter to be appointed, not being an archbishop or bishop, shall, before acting under the said commission, and at the first meeting he shall attend, subscribe in the book of the minutes of the proceedings of the said Commissioners a declaration in the words following:

'I do hereby solemnly, and in the Presence of God, testify and declare, That I am a Member of the United Church of England and Ireland as by Law established. Witness my Hand this Day of'

IV. That all acts, matters, and things which the said Commissioners are by any of the provisions of this Act authorized or required to do and perform shall and may be done and performed by any five of such Commissioners: Provided always, that such five Commissioners be for such purpose assembled at a meeting whereof due notice shall have been given to all the said Commissioners.

V. Provided, That no proceeding which requires to be ratified and confirmed by the common seal of the corporation shall be finally concluded, nor the said seal affixed to any deed or instrument, save at a meeting whereof notice shall have been in like manner given, and whereas two at least of the said Episcopal Commissioners shall be personally present: Provided also, that in case any two Episcopal Commissioners, being the only Episcopal Commissioners present, shall object to the ratification and confirmation of any such proceeding as aforesaid, or to the affixing of such seal to any deed or instrument as aforesaid, such ratification or affixing of the seal shall not take place until a subsequent meeting of the Commissioners shall have been held, after due notice thereof shall have been given.

VI. That at each meeting of the said Commissioners the Commissioner first in rank and precedence there present shall preside as chairman, and in case of the equality in rank and precedence of all the Commissioners so present then the senior Commissioner in the order of appointment shall so preside; and the chairman at all such meetings shall not only vote as a Commissioner, but shall also in case of the equality of votes have the casting or decisive vote.

VII. That the said Commissioners may from time to time appoint a treasurer and secretary, and such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said Commissioners, may remove such treasurer, secretary, clerks, messengers, and officers, or any of them, and appoint others in their stead: Provided always, that the amount of the salaries of such treasurer, secretary, clerks, messengers, and officers shall from time to time be regulated by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any three or more of them.

VIII. That the secretary or other officer of the said Commissioners shall keep a book, in which he shall make minutes of the proceedings of the said Commissioners at their several meetings, and enter the names of the Commissioners present thereat; and such entry of the proceedings at each meeting shall be signed by the chairman thereof.

IX. That it shall be lawful for the said Commissioners, by summons under the hand of the chairman of any such meeting, to require the attendance of any person whom they shall think fit to examine touching any matter within their cognizance, also to make any inquiries, and call for any answers or returns, as to any such matter, and also to administer oaths, and examine every such person upon oath, and to cause to be produced before them, upon oath, all statutes, charters, grants, rules, regulations, bye-laws, books, deeds, contracts, agreements, accounts, and writings whatsoever, or copies thereof respectively, in anywise relating to any such matter; or, in lieu of requiring such oath as aforesaid, the said Commissioners may, if they think fit, require any such person to make and subscribe a declaration of the truth of his examination.

X. That the said Commissioners shall from time to time prepare, and lay before His Majesty in council, such schemes as shall appear to the said Commissioners to be best adapted for carrying into effect the hereinbefore recited recommendations, and shall in such schemes recommend and propose such measures as may, upon further inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for carrying such recommendations into full and perfect effect: Provided always, that nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such scheme such modifications or variations as to matters of detail and regulation as shall not be substantially repugnant to any or either of the said recommendations, and in particular that it shall be competent to the said Commissioners to propose in any such scheme that all parishes, churches, or chapelries which are locally situate in any diocese, but subject to any peculiar jurisdiction other than the jurisdiction of the bishop of the diocese in which the same are locally situate, shall be only subject to the jurisdiction of the bishop of the diocese within which such parishes, churches, or chapelries are locally situate.

XI. That the said Commissioners shall prepare, and lay before His Majesty in council, such scheme as shall appear to the said Commissioners to be best adapted for preventing the appointment of any clergyman not fully conversant with the Welsh language to any benefice with cure of souls in Wales in any parish the majority of the inhabitants of which do not understand the English language.

XII. That when any scheme prepared under the authority of this Act shall be approved by His Majesty in council it shall be lawful for His Majesty in council to issue an order or orders ratifying the same, and specifying the time or times when such scheme or the several parts thereof shall take effect, and to direct in every such order that the same be registered by the registrar of each of the dioceses the bishops whereof may or shall be in any respect affected thereby, and in any newly-created diocese by such person as shall be for that purpose named in such order, which person shall in such last-mentioned diocese become registrar there, and so continue as long as he shall demean himself well in his office.

XIII. That every such order shall, as soon as may be after the making and issuing thereof by His Majesty in council, be inserted and published in the *London Gazette*.

XIV. That so soon as any such order in council shall be so registered and gazetted it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this Act, any law, statute, canon, letters patent, grant, usage, or custom to the contrary notwithstanding.

XV. That a copy of every order of His Majesty in council made under this Act shall be laid before each House of Parliament in the month of January in every year, if Parliament shall be then sitting, or if Parliament be not then sitting within one week after the next meeting thereof.

XVI. That the registrar of every diocese to whom any order of His Majesty in council made by virtue of this Act shall be delivered shall forthwith register the same in the registry of his diocese; and the persons who shall be for that purpose appointed in the dioceses of Manchester and Ripon shall forthwith register every such order in books to be by them for that purpose provided, which shall thenceforth become the registry of those dioceses respectively; and if any such registrar or other person shall refuse or neglect to register any such order he shall for every day during which he shall so offend forfeit 20*s.*, and if his offence shall continue for the space of three months he shall forfeit his office, and it shall be lawful for the bishop of the diocese, or for His Majesty, as the case may be, to appoint a successor thereto.

XVII. That for such registration as aforesaid no registrar shall be entitled to receive any fee or reward, but that on every search for any such order he shall be entitled to receive a fee of 3*s.*, and for every copy or extract of any such order certified by him he shall be entitled to receive for every folio of ninety words 4*d.*; and the copy of every such entry, certified by the registrar, shall be admissible as evidence in all courts and places whatsoever.

XVIII. That after the passing of this Act no ecclesiastical dignity, office, or benefice shall be held in commendam by any bishop, unless he shall so hold the same at the time of passing thereof; and that every commendam thereafter granted, whether to retain or to receive, and whether temporary or perpetual, shall be absolutely void, to all intents and purposes.

XIX. That all archdeacons throughout England and Wales shall have and exercise full and equal jurisdiction within their respective archdeaconries, any usage to the contrary notwithstanding.

And after noticing that it may be expedient to consider the state and jurisdiction of all the Ecclesiastical Courts in England and Wales;—

It is Enacted,

XX. That nothing herein contained, or any order of His Majesty in council made under the authority of this Act, either altering the limits of either of the existing provinces or the boundaries of any existing diocese or archdeaconry, or for ~~altering~~ any existing sees, or for creating any new bishoprick or archdeaconry, or for appointing any registrar under the provisions of this Act, or for any other purpose whatever, shall for one year after the passing of this Act, or if Parliament shall be then sitting

till the end of the session of Parliament, in any manner affect or be construed to affect the jurisdiction, power, or authority of any or either of the existing Ecclesiastical Courts in England or Wales, or the extent or limits thereof, but that during such period as last aforesaid every such Court shall continue in all matters whatsoever arising within its present limits to exercise the same jurisdiction as heretofore by law allowed.

XXI. That in all cases of monitions to reside, and monitions for the payment of the stipends of curates, and of proceedings consequent thereupon, except as hereinafter excepted, and in all cases of licences granted to spiritual persons, the same shall issue only under the authority and in the name of the bishop of the diocese, whether such diocese be according to the present territorial limits or as altered or newly created under the authority of this Act: Provided always, that if it be necessary to institute in any Ecclesiastical Court proceedings thereupon or in consequence thereof, such proceedings shall be commenced, carried on, and decided in and by the same Court which at the time of the passing of this Act would be entitled to exercise jurisdiction in such matters respectively, and in the case of proceedings at the instance of a bishop in the name of the Judge of such court: Provided also, that nothing herein contained shall affect any peculiar belonging to either of the archbishops at the time of the passing of this Act, but that every such peculiar, except as may be otherwise provided by any order of His Majesty in council, made and issued in pursuance of this Act, shall to all intents and purposes and in all respects remain subject to the same authority and jurisdiction as if this Act had not been passed.

XXII. That nothing herein contained, nor any such order in council as aforesaid, shall, during such period as last aforesaid, be construed to alter in any respect whatsoever the law of *bona notabilia* as it exists at the time of the passing of this Act, notwithstanding any change of province, diocese, archdeaconry, or any other jurisdiction whatsoever.

XXIII. That all marriage licences shall during such period as last aforesaid continue to be granted in the same manner and by the same authorities respectively as before the passing of this Act.

XXIV. That during such period every Ecclesiastical Court in which any proceedings shall be had shall have power to send for and enforce the production of all original instruments and documents relating to such proceedings by whatever ecclesiastical authority the same may have been issued.

XXV. That in case the office of Judge, registrar, or other officer of any or either of the Ecclesiastical Courts in England or Wales (except the Prerogative Court of Canterbury) shall become vacant during such period as last aforesaid, the person who may be thereunto appointed shall accept and take such office subject to all regulations and alterations affecting the same which may be hereafter made and provided by or under the authority of Parliament, and shall not by his appointment thereto acquire any vested interest in such office, nor any claim or title to compensation in respect thereof, in case the same shall be hereafter abolished by Parliament.

And after noticing that by 5 & 6 Will. 4. c. 76, intituled, 'An Act to provide for the Regulation of Municipal Corporations in England and Wales,' provision was made concerning the sale of certain ecclesiastical preferments in the patronage of the several municipal corporations therein mentioned, at such time and in such manner as the Commissioners appointed to consider the state of the established church in England and Wales, with reference to ecclesiastical duties and revenues, should direct;—

It is Enacted,

XXVI. That from and after the passing of this Act the provisions in the said recited Act contained which apply to the said Commissioners shall apply and be held to apply to the Commissioners appointed under this Act by the style and title of "The Ecclesiastical Commissioners for England."

CAP. LXXVIII.

AN ACT to enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the *Ottoman* Dominions.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *His Majesty, by orders in council, may issue directions to his Ambassadors, Consuls, &c., touching their rights and duties in the protection of his subjects residing or resorting there.*
2. *And also directions for their guidance in the settlement of differences between his subjects and those of any other christian power in said dominions.*
3. *Regulating suits and actions brought under this Act.*

By this Act,

After noticing that by the treaties and capitulations subsisting between His Majesty and the Sublime Ottoman Porte, full and entire jurisdiction and controul over British subjects within the Ottoman dominions in matters in which such British subjects are exclusively concerned is conferred upon the British Ambassadors and Consuls appointed to reside within the said dominions: And that it is expedient for the protection of British subjects within the dominions of the Sublime Porte in Europe, Asia, and Africa, and likewise in the states of Barbary, as well as for the protection of His Majesty's Ambassadors, Consuls, or other officers appointed or to be appointed by His Majesty for the protection of the trade of His Majesty's subjects in the said

ports and places, that provision should be made for defining and establishing the authority of the said Ambassadors, Consuls, and other officers:—

It is Enacted,

I. That it shall and may be lawful for His Majesty from time to time, by any order or orders of His Majesty in council, to make and issue any directions and regulations touching and concerning the rights and duties, jurisdiction and authority, criminal as well as civil, over His Majesty's subjects residing at or resorting to the ports or other places within the dominions of the Sublime Ottoman Porte in Europe, Asia, and Africa, and likewise in the states of Barbary, to be exercised and performed by His Majesty's Ambassadors, Consuls, or other officers, appointed or to be appointed by His Majesty for the protection of the trade of His Majesty's subjects in the ports and places before mentioned, and to establish forms of proceeding in all matters coming under the cognizance of the said Ambassadors, Consuls, or other officers in virtue of such order or orders in council, and to impose penalties, forfeitures, or imprisonments, for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified; and the said Ambassadors, Consuls, and other officers are hereby authorized and required to obey and enforce the said regulations and directions; and the same shall be effectual and binding upon all subjects of His Majesty residing at or resorting to the said ports and places for the purposes of trade or otherwise.

And after noticing that cases occasionally arise within the dominions of the Ottoman Porte above specified, and in the states of Barbary, wherein the interposition of His Majesty's Ambassadors, Consuls, or other officers is required by the subjects of other Christian powers in the determination of differences or disputes between such persons and British subjects;—

It is Enacted,

II. That it shall be lawful for His Majesty, by any order or orders in council, to make and issue, in the same manner, directions and regulations for the guidance of his Ambassadors, Consuls, and other officers, and of all other subjects of His Majesty, in cases in which the interposition of His Majesty's Ambassadors, Consuls, or other officers may be so required for the settlement of any differences or disputes which may arise between British subjects and the subjects of any Christian power within the dominions of the Sublime Porte in Europe, Asia, and Africa, and in the states of Barbary: Provided always, that every order in council issued by the authority of this Act shall be published in the *London Gazette*, and shall be laid before both houses of Parliament, and shall not be binding and effectual until six months after it shall have been so laid before both houses of Parliament.

III. That if any suit or action shall be brought against any person or persons for anything done in pursuance of this Act, or of any orders or regulations made by virtue thereof, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's courts having civil jurisdiction, and then within six months after the plaintiff or plaintiffs, defendant or defendants, shall have been within the jurisdiction of any such Court; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any Justice of the Peace for acts done in the execution of his office, by an Act, 24 Geo. 3. c. 4, intituled, 'An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to the Warrants;' and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any such action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof as any defendant or defendants hath or have in any cases of law.

CAP. LXXIX.

AN ACT for vesting Lighthouses, Lights, and Sea Marks on the Coasts of *England* in the Corporation of Trinity House of *Deptford Strond*; and for making Provisions respecting Lighthouses, Lights, Buoy, Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Property of the Crown in lighthouses transferred to the Trinity House.
2. For making a compensation to the land revenues for such transfer.
3. The Trinity House empowered to purchase lighthouses, &c.
4. Misnomers not to prevent the execution of this Act.
5. Jury to settle differences as to value.
6. Manner of proceeding where the parties cannot agree, or by absence, &c. shall be prevented from treating.
7. For summoning a jury.
8. In default of jurors, the sheriff to adjourn the inquiry.
9. Persons interested not to be jurymen.
10. No person to be heard upon the inquiry without giving previous notice of his claim.
11. If no person appear pursuant to notice, how inquiry to be taken.

12. *Jury to settle the proportions to be paid to the owners of particular estates.*
13. *Annuities, &c. after payment of purchase money to be deemed to be extinguished.*
14. *Allowance to sheriffs and jurors.*
15. *Fines on sheriff, jury, and witnesses for non-attendance.*
16. *Juries to be under the same regulations as in courts at Westminster.*
17. *Verdicts to be deemed records, and copies thereof evidence.*
18. *Expenses of inquiry, by whom to be paid.*
19. *Purchase money, &c. how to be paid.*
20. *Lighthouses, &c. to vest in the Trinity House immediately on payment or tender of the purchase-money or sums awarded for same.*
21. *Debts charged on lighthouses to be still charged thereon.*
22. *Such debts to be deducted out of the purchase money.*
23. *Directing application of money when amounting to 200l. and upwards.*
24. *Application when less than 200l. and not more than 20l.*
25. *Application when money under 20l.*
26. *In case of not making out titles, or if persons cannot be found, the Trinity House to order the purchase-money to be paid into the Bank subject to the order of the Court of Exchequer on motion or petition.*
27. *When any question shall arise touching the title to the money to be paid, the person in possession at the time shall be deemed entitled according to such possession.*
28. *Expenses of such purchases to be paid by Trinity House.*
29. *Compensation to officers, &c. that may be discharged.*
30. *Power to borrow money.*
31. *Indemnity for extra duties on foreign ships privileged under the Reciprocity Acts no longer to be paid out of the consolidated duties of Customs.*
32. *If reciprocity conventions cease, extra duties to be again payable, and the amount to be paid to the Consolidated Fund.*
33. *Duties for the North and South Foreland lights to vest in the Trinity House discharged of the rent to the Crown.*
34. *Powers of the Acts relating to the Skerries, Spurn Point, and Tinnmouth Castle lights to be extended to the Trinity House.*
35. *Vesting the lighthouse at Heligoland and the Bembridge light in the Trinity House.*
36. *Duties to be taken in respect of the Heligoland light.*
37. *Powers of 6 Geo. 3. c. 31, and 42 Geo. 3. c. 43, in favour of the Trinity Houses of Hull and Newcastle-upon-Tyne, repealed.*
38. *Future controul over pier and harbour lights.*
39. *Vessels of the Trinity House to be exempt from dues.*
40. *Duties hereafter to be paid in respect of lighthouses, &c. on the coasts of Scotland.*
41. *Certain payments in respect of extra tolls on foreign ships to cease.*
42. *Power to the Commissioners and the corporation for the port of Dublin to erect other lighthouses, &c. in Scotland and Ireland.*
43. *Commissioners to be at liberty to submit suggestions to the King in council.*
44. *Trinity House may enter lighthouses on the Scotch and Irish coasts.*
45. *Duties to be payable in respect of new lighthouses on the coasts of Scotland and Ireland.*
46. *Notice of new lights to be published in the Gazette, &c.*
47. *New lighthouses, &c. and the tolls thereof to vest in the Commissioners and corporation.*
48. *Lighthouses may be surrendered to the Trinity House, &c.*
49. *Restriction as to granting of pensions out of the tolls.*
50. *Corporation for improving the port of Dublin may appoint collectors of tolls in respect of lighthouses.*
51. *Duties, how to be collected.*
52. *If the Treasury are of opinion that the tolls can be collected by a collector of Customs, the wardens, &c. to appoint accordingly.*
53. *Duties when to be collected.*
54. *Power of distress for duties.*
55. *Duties may be recovered by action or suit.*
56. *Duties throughout the United Kingdom to be subject to be reduced, &c.*
57. *Regulations to be made for relief of ships and vessels with regard to duties.*
58. *Tables of tolls and regulations to be hung up in Custom Houses.*
59. *Power to alter the situation of lighthouses.*
60. *Trinity House empowered to purchase ground not exceeding one acre, adjoining any lighthouse.*
61. *Remedy in respect of fires, &c. on the coast, which may be mistaken for lights and sea marks.*
62. *Accounts to be laid before Parliament annually.*
63. *General plea for matters done in pursuance of this Act.*
64. *Interpretation clause.*
65. *Public Act.*

By this Act,

After reciting that by far the greater number of the lighthouses upon the coasts of England, and the islands and other places adjoining thereto, belong to or are under the controul and management of the master, wardens, and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of Saint Clement in the parish of Deptford Strand in the county of Kent, commonly called the corporation of Trinity House of Deptford Strand, as well by virtue of 8 Eliz. c. 13, as by virtue of divers ancient grants and charters, and particularly of a certain ancient grant dated the 11th of June in the thirty-sixth year of Her said Majesty, whereby Her Majesty granted to the master, wardens, and assistants of the said corporation the beaconage and buoyage, and the office of beaconage and buoyage, upon the surrender thereof into the hands of Her Majesty by Charles Lord Howard Baron of Effingham then being Her said Majesty's Great Admiral of England; and the said master, wardens, and assistants are entitled to erect and maintain from time to time such and so many beacons, marks, and signs for the sea in such place or places of the sea shores and uplands near the sea coasts or forelands as to them shall seem most meet, whereby dangers may be avoided, and ships the better come to their ports without peril: And that the several lighthouses at Harwich in the county of Essex, Dungeness in the county of Kent, Wintertonness and Hunstanton Cliff in the county of Norfolk, and Orfordness in the county of Suffolk, still remain parcel of the possessions and land revenues of the Crown in England, and are under the separate controul and management of divers individuals [whose names are set forth], as

leasees thereof under the Crown, for terms of years which are not yet expired : And that certain other lighthouses upon the coasts of England are under the separate controul and management of divers individuals, as the proprietors or leasees thereof; (that is to say) the lighthouse called " Skerries," in Saint George's Channel, under the controul and management of Morgan Jones, Esq.; the lighthouses near the Spurn Point at the mouth of the river Humber, under the controul and management of Benedict John Angell Angell, Esq. and George Lowther Thompson, Esq.; the lighthouse at Tinnmouth in the county of Northumberland, under the controul and management of William Fowke, Esq.; the lighthouse on the rock called " The Smalls," in Saint George's Channel, under the controul and management of Mrs. Elizabeth Buchanan and Thomas Pickering Clarke, Esq.; and the lighthouses on the rock called " The Longships," on the coast of Cornwall, held by Henry Pascoe Smith, Esq.: And that by 3 Geo. 4. c. 111, it was enacted, that the master, wardens, and assistants of the said corporation might with any surplus monies then or thereafter in their hands, arising from any tolls theretofore or thereafter payable to them, purchase any beacons, buoys, lighthouses, or other marks and signs for the sea, or any interest therein or in any tolls arising therefrom, belonging to any body corporate or politic or to any person; and that all such bodies or persons, and all other persons whosoever possessed thereof or interested therein, might contract for the sale thereof with the said master, wardens, and assistants, and might convey the same to them : And that by virtue of the last-mentioned Act the said master, wardens, and assistants have purchased certain estates and interests in lighthouses and tolls from parties possessed thereof : And that the several lighthouses upon the coasts of Scotland are under the controul and management of the Commissioners of the Northern Lighthouses, acting by virtue of 26 Geo. 3. c. 101, and of several other Acts for rendering the last-mentioned Act more effectual : And that the several lighthouses upon the coasts of Ireland are under the controul and management of the Corporation for Preserving and Improving the Port of Dublin acting by virtue of 52 Geo. 3. c. 115 : And that there are also divers other lights exhibited in and near to certain ports, harbours, and places on the coasts of the United Kingdom for the guidance of vessels entering or resorting to the same, and sometimes called local or harbour lights, which lights are under the controul and management of commissioners, trustees, and other local officers and persons : And that, in order to the attainment of uniformity of system in the management of lighthouses, and the reduction and equalization of the tolls payable in respect thereof, it is necessary that all lighthouses upon the coasts of England and other places adjoining or near thereto, for the protection and guidance of vessels navigating the British seas, and the tolls payable in respect thereof, should be vested in the said master, wardens, and assistants, and that the several lighthouses upon the coasts of Scotland and Ireland respectively should be under their supervision : And that in order to prevent accidents which may arise from local or harbour lights in the United Kingdom being mistaken for coast lights it is necessary that they should be made subject to the controul of the said master, wardens, and assistants, Commissioners of Northern Lighthouses, and Corporation for Preserving and Improving the Port of Dublin respectively :—

It is Enacted,

I. That on and after the 1st of January 1837 all the estate, right, and interest of His Majesty in the several lighthouses at Harwich, Dungeness, Wintertonness, Orfordness, and Hunstanton Cliff, and in the land whereon the same respectively stand, and the buildings, lands, and appurtenances thereunto respectively belonging, and occupied for the purposes of the same respectively, and the fixtures, apparatus, and furniture thereunto belonging, and the tolls and duties payable in respect thereof, shall be transferred to and shall be absolutely vested in the said master, wardens, and assistants, subject nevertheless to the several subsisting leases of the said several lighthouses and premises granted by His Majesty, or by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to the several persons under whose controul and management the said lighthouses respectively now are, as hereinbefore is mentioned.

And after reciting, that it is just that compensation should be made to the land revenues of the Crown for the surrender which will be made under this Act of the rights of the Crown in the said several lighthouses at Harwich, Dungeness, Wintertonness, Orfordness, and Hunstanton Cliff : And that the interests of the Crown in the said several lighthouses, as such interests would exist on the said 1st of January 1837, in case this Act had not been passed, have been calculated and ascertained to be worth in money, to be paid on the said 1st of January 1837, the sum of 300,000*l.* : And that, by virtue of the powers contained in several Acts, 53, 54, and 57 Geo. 3, and 1 and 5 Geo. 4, for the management and improvement of the land revenues of the Crown, or in some of them, advances have been made from time to time out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the purposes of the said Acts, to the amount in the whole of 600,000*l.* : And that by the said last-mentioned Acts, and by another Act of 10 Geo. 4. c. 50, the said sum of 600,000*l.* so advanced is made a charge upon and is payable out of the possessions and land revenues of the Crown, whenever the annual produce of those revenues shall cease to be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be retained by the Crown as part of its hereditary revenue : And that it is expedient that such compensation should be granted by reducing the amount chargeable upon the possessions and land revenues of the Crown in respect of the advances made under the several hereinbefore mentioned Acts :—

It is therefore Enacted,

II. That so soon as the estate, right, and interest of His Majesty in the several lighthouses hereinbefore mentioned shall vest in the said master, warden, and assistants under this Act, the amount chargeable upon the possessions and land revenues of the Crown in respect of the advances to the extent of 600,000*l.* so made out of the Consolidated Fund under the said recited Acts, shall be reduced to the sum of 300,000*l.*, and such last-mentioned sum only shall be then chargeable upon the possessions and land revenues of the Crown, under the authority of the recited Acts, instead of the said sum of 600,000*l.* at present charged thereon.

III. That the said master, wardens, and assistants may agree with the leasees or other persons interested in the said several lighthouses at Harwich, Dungeness, Wintertonness, Orfordness, and Hunstanton Cliff, by or under the several leases so granted thereof by His Majesty, or by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and with the owners of and persons interested in or hereinafter capacitated to agree for the sale of the lighthouses in the Schedule to this Act mentioned, and the land whereon the same several lighthouses respectively stand, and the buildings, lands, and appurtenances thereto belonging or occupied for the purposes of the same respectively, and the fixtures, apparatus, and furniture thereunto belonging, and the tolls or duties payable in respect thereof, and of all rents, rent-charges, annuities, or payments

charged thereon or payable in respect thereof, for the absolute purchase thereof, and of all or any estates and interests therein, for such purchase-money as shall be agreed upon, and the said master, wardens, and assistants shall consider fair and just, having regard to the value of the property, and the rights, benefits, and advantages resulting to the proprietors from the enjoyment thereof; and that all other persons whosoever, who at or immediately before the making of this Act were or may become seized or possessed of or entitled to or interested in any such lighthouse, whether mentioned in the said Schedule or included in any such lease as aforesaid, may agree with the said master, wardens, and assistants for the absolute sale thereof, or of such estate or interest therein, for such purchase money as to the contracting parties shall seem reasonable; and all such agreements shall be effectual in the law, and for the purposes only of every such agreement and sale, and for preventing any question respecting the validity thereof by reason of any defectiveness of title in the party making the same, the persons who shall have been or shall be in possession of any such lighthouse at the time from which the purchase thereof respectively shall take effect, and all persons claiming under such person, or under or consistently with the possession of such person, shall be deemed to have a complete title; provided always, that no such contract shall be made by the said master, wardens, and assistants without previous consent in writing by the Lord High Treasurer for the time being; and the power hereby provided to agree for such sale as aforesaid shall extend to all corporations, and all tenants for life or in tail, or any other partial or qualified estate or interest, husbands, guardians, trustees, or feoffees in trust for charitable or other purposes, executors, administrators, committees, and all trustees and other persons whosoever, not only for and on behalf of themselves and their own respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or contingency after them, if incapacitated, and as to such husbands and guardians also for and on behalf of their respective wives and wards, and as to such committees for and on behalf of the lunatics and idiots of whom they shall be the committees respectively, and as to all such corporations, tenants, trustees, and feoffees in trust, executors, administrators, and other persons as aforesaid, also for and on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, femes covert, or other persons, and all femes covert, in the same manner as if they were sole and unmarried, seized, possessed of, or interested in their own right, whether in fee simple, fee tail, or for life or years, or otherwise, or entitled to dower or any other interest: Provided always, that previous to entering into any agreement under this clause the said master, wardens, and assistants shall cause public notice to be given, of such tenor and in such form as they shall think fit, for the purpose of having the estates, rights, and interests to be purchased in pursuance of this Act ascertained, and the amount of the purchase-money claimed for the same settled; such notice to be published in the *London Gazette* and in one of the provincial newspapers circulated within the county in which or near whereto such lighthouse shall be situated, and a copy of the same notice to be also affixed upon such lighthouse.

IV. That if the names or descriptions of any of the lighthouses referred to in this Act or in the Schedule hereto, or of any of the persons stated to be the owners or lessees thereof or interested therein, or in the tolls payable in respect thereof, shall happen to be mis-stated or omitted herein or in the said Schedule, such mis-statement or omission shall not prevent the execution of this Act; but such lighthouse and tolls shall notwithstanding be effectually vested in the said master, wardens, and assistants for the purposes of this Act.

And in order to facilitate the completion of the purchases of the said lighthouses with as little delay as possible, and to provide the means of obviating any difficulties and settling any differences which may arise in adjusting the terms of purchase, or from the refusal or incapacity of any party to treat:—

It is Enacted,

V. That in any of the cases hereinafter mentioned the said master, wardens, and assistants may refer the matter to the determination of a jury, and for that purpose the proceedings hereinafter mentioned shall be taken.

VI. That the cases in which the matter may be referred to the determination of a jury shall be the following; (that is to say), if any corporation, trustee, or other person interested, or entitled and capacitated to sell, contract, or agree as aforesaid, shall not agree with the said master, wardens, and assistants as to the amount of such purchase-money; or if any of the parties entitled to receive such purchase-money shall refuse to accept such purchase-money as shall be offered by the said master, wardens, and assistants, and shall give notice thereof in writing to the said master, wardens, and assistants, by leaving the same at the Trinity House in London within thirty days next after such offer shall have been made, and the party giving such notice shall therein request that the matter in dispute may be submitted to the determination of a jury; or if any of such parties shall for the space of thirty days next after such public notice as aforesaid shall have been affixed, published, and given by the said master, wardens, and assistants as hereinbefore mentioned, neglect or refuse to treat, or shall not agree, or by reason of absence or other cause shall be prevented from treating with the said master, wardens, and assistants for the sale of their respective estates and interests, or the respective estates and interests which they respectively are hereby capacitated to sell therein, or shall by reason of any impediment or disability not provided for by this Act be incapable of effectually making such agreement or sale thereof, or shall not disclose and prove the state of the title to the premises of which they respectively may be in possession, or which they respectively claim to be entitled unto or interested in; or in case the said master, wardens, and assistants shall not, within the period of three calendar months next after the expiration of such notice as aforesaid, have ascertained to their satisfaction in whom any such lighthouse is lawfully vested, or the persons entitled or by this Act capacitated to sell as aforesaid: Provided always, that no such reference to a jury shall be made after the expiration of five years from the passing of this Act, except with the consent of the person or persons for the time being in possession or entitled to the profits of the property proposed to be purchased.

VII. That in the event of any matter being referred to the determination of a jury, and in order thereto the following are the proceedings which shall be observed; that is to say, the said master, wardens, and assistants shall issue a precept under their common seal, or under the hand of their secretary for the time being, to the sheriff of the county wherein the lighthouse which shall be the subject of the proposed inquiry shall be situate, or if not situate in any county in the county next or nearest whereunto such lighthouse shall be situate, requiring him to summon, return, and impanel, and the said sheriff is hereby accordingly empowered and required to summon, return, and impanel, on a certain day therein to be appointed, a jury of not less than

twenty-four sufficient and indifferent men, qualified according to the laws of this realm to serve on special juries for trials of issues in His Majesty's courts of record at Westminster; and the persons to be so summoned, returned, and impannelled shall appear before the said sheriff at such time and place within the said county as in such precept shall be appointed, and attend from day to day until discharged; and out of the persons so to be summoned, returned, and impannelled, or out of such of them as shall appear, a jury of twelve men shall be impannelled by the said sheriff, or by some person to be by him appointed, in such manner as special juries for trials of issues joined in His Majesty's courts of record at Westminster are by law directed to be impannelled; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said sheriff shall summon before him all persons who shall be thought necessary to be examined as witnesses touching the matter in question, and may use all such other lawful ways and means, as well for his own as for the said jury's better information, as shall be requisite in the premises; and such jury shall upon their oaths, or, being Quakers, upon their solemn affirmations (which oaths and solemn affirmations, as well as the oaths and solemn affirmations of all persons who shall be called upon to give evidence, the said sheriff is hereby empowered and required to administer), inquire of and assess and give a verdict for the true, fair, and just value of such lighthouse as may be the subject of such inquiry, having regard to the rights, benefits, and advantages resulting to the proprietors from the enjoyment thereof, and to the liabilities to which they are at present subject; and the said sheriff shall accordingly give judgment for such purchase-moneys as shall be assessed by such jury; which said verdict and the judgment thereon to be pronounced as aforesaid shall be conclusive upon all persons whatsoever: Provided always, that not less than forty-two days notice in writing of the time and place at which such jury are so required to be returned shall be given by or on the part of the said master, wardens, and assistants to the party with whom any such controversy shall arise, by causing the same to be published in the *London Gazette* and in such provincial newspaper as aforesaid, and also to be affixed upon the lighthouses in respect of which such inquiry shall be had: Provided also, that in every proceeding before any such jury the party claiming such purchase-money shall be deemed to be the plaintiff, and the said master, wardens, and assistants the defendants: Provided always, that if any question shall arise respecting the tolls payable in respect of any such lighthouse, those which have been usually paid shall in assessing the value of such lighthouse be taken to be the tolls payable in respect thereof, provided they shall not be inconsistent with the patents, leases, or Acts of Parliament under which such tolls are payable.

VIII. That in case a sufficient jury to take the inquisition shall not appear upon the day so to be appointed by such precept, the sheriff shall from time to time, until a sufficient jury shall have been obtained by the means aforesaid, adjourn the inquiry to any future day, not exceeding fourteen days nor less than four days from the adjournment thereof; and when a sufficient number of jurors shall appear he shall proceed to swear and impanel twelve of them, who shall inquire as aforesaid.

IX. Provided, that no person shall be summoned or chosen to be of such jury who shall be an owner of or possess any estate or interest, directly or indirectly, in any such lighthouse.

X. That no person shall be heard before the said sheriff and the jury touching the matter of the inquiry, unless a previous notice in writing of fourteen days at the least before the taking of such inquisition shall be given to the said master, wardens, and assistants, by leaving the same at the Trinity House in London or at the office of the solicitor of the said master, wardens, and assistants for the time being, containing a full and particular statement of the nature and extent of the estate or interest in respect whereof such person shall claim to be heard.

XI. Provided always, That in case no person shall appear pursuant to such notice so to be given and affixed as aforesaid, then the said sheriff as aforesaid and also the said jury shall proceed upon the best information they can obtain to make such inquest or judgment, and such inquest and judgment shall be final and conclusive as if all parties concerned had appeared and been heard.

XII. That the jury at the time of assessing the value of any such lighthouse shall (if thereunto required) settle what shares and proportions of the purchase-money assessed shall be allowed to any person for any his particular estate, term, or interest in the premises that may be shewn to be existing therein respectively at the time of the taking the inquisition.

XIII. Provided always, That every payment, rent-charge, annuity, or incumbrance so purchased by the said master, wardens, and assistants, from the time when the purchase-money for the same so agreed upon or assessed shall have been paid by them, shall be thereupon deemed to be satisfied and extinguished, and that no action or suit or other proceeding shall thenceforth be had or taken in respect of the same, except to recover such arrears as may have grown due thereon before the same shall have been so purchased.

XIV. That each jurymen who shall be summoned, and who shall appear and be ready to be sworn or affirmed upon any such inquest, shall be allowed his reasonable travelling expenses to and from the place of meeting, and that each jurymen who shall be sworn or affirmed shall, in addition thereto, be allowed for his trouble and subsistence the sum of 1*l.* 1*s.* for each day's attendance and no more, and that the sheriff for summoning, returning, and impannelling the jury, and taking and recording their verdict and the judgment to be given thereon, shall be allowed the sum of 10*l.* and no more, and for his subsistence the further sum of 1*l.* 1*s.* for each day's attendance in addition to his reasonable travelling expenses to and from the place of meeting; which respective allowances, in case of dispute, shall be determined by two Justices of the Peace in and for the said county, and shall be paid by the said master, wardens, and assistants, or their order.

XV. That any Justice of the Peace for the county to the sheriff of which any such precept may be directed may impose any reasonable fine, not exceeding the sum of 10*l.*, on such sheriff or any person acting under him or in his behalf respectively making default in the premises, and on any of the persons who shall be summoned and returned on any such jury and shall not appear without sufficient excuse, or appearing shall refuse to be sworn (or, being one of the people called Quakers, to make affirmation) on the said jury, or being so sworn or having so made affirmation shall not give his or their verdict, and also on any person who shall be summoned to give evidence touching any of the matters referred to, and after payment or tender of his or her reasonable travelling expenses shall not attend, or attending shall refuse to be sworn or to affirm, or be examined or to give evidence, and on any person who shall in any other manner wilfully neglect his duty in the premises contrary to this Act.

XVI. That every such jury shall be subject to the same regulations, pains, and penalties as if such jury had been returned for the trial of any issue joined in any of His Majesty's courts of record at Westminster, and that all persons who, in any such inquiry to be made by virtue of this Act, shall wilfully give false evidence upon oath or solemn affirmation before the said sheriff or his deputy and such jury shall be prosecuted for the same, and upon conviction thereof shall be subject to such punishments and disqualifications as persons are subject to for wilful and corrupt perjury.

XVII. That the said verdicts and judgments, and all other proceedings of such sheriff and the juries respectively, shall be fairly written on parchment and signed by such sheriff, and shall be transmitted to and kept by the clerk of the peace or the person having the custody of the records of the Quarter Sessions of the county in which or next whereunto such lighthouse shall be situate, and shall be deposited with and be records of such Quarter Sessions; and the same or copies thereof shall be allowed to be evidence in all courts whatsoever; and all persons shall have liberty to inspect the same upon paying for such inspection the sum of 5s.

XVIII. That in case a verdict shall upon any such inquiry be given for a greater sum of money than shall have been offered by the said master, wardens, and assistants previously to the summoning of such jury, or in case no such offer shall have been made, or in case by reason of absence or other impediment or disability there shall not be found any person legally capacitated to receive the purchase-money, then all the reasonable costs, charges, and expenses of causing and procuring such purchase-money to be assessed and awarded, and of so assessing and awarding the same, shall be settled by the sheriff, and shall be paid by the said master, wardens, and assistants; but in case any verdict shall be given for the same sum of money as shall have been previously offered by the said master, wardens, and assistants, or for a less sum than shall have been so previously offered, or in case of such refusal to treat by any person by this Act or otherwise legally empowered to treat for and receive such purchase-money, then all the reasonable costs, charges, and expenses of causing and procuring such purchase-money to be assessed and awarded, and of so assessing and awarding the same (being first so taxed), shall be paid in manner following, (that is to say,) one moiety thereof shall be paid by the said master, wardens, and assistants, and the other moiety shall be deducted out of the sum so to be assessed or awarded; and the payment or tender of the remainder shall be taken to be a payment or tender of the whole sum.

XIX. That all such purchase-money as shall be so agreed for or so assessed under this Act shall within three months next after such agreement shall have been concluded, or within three months next after the amount of such purchase-money shall have been so assessed, be paid by the said master, wardens, and assistants either to the person entitled to receive the same or into the Bank of England, in manner hereinafter mentioned in cases where the same is hereby directed to be paid into the Bank of England.

XX. That immediately upon payment or tender of the purchase-money thereof being made either to the party or parties respectively entitled to receive such monies or into the Bank of England in the manner in this Act directed respectively, as the case may require, every such lighthouse in respect whereof such monies shall have been so paid or tendered shall thereupon absolutely vest in the said master, wardens, and assistants and their successors, and they shall thenceforth be deemed to be in the actual possession thereof, discharged from all other estates, reversions, rights, titles, interests, claims, and demands of any other person therein or thereto, or in or to the tolls payable in respect thereof, and also from all rents or payments whatsoever issuing out of or reserved or charged upon or made payable in respect of the same, or the tolls payable in respect thereof, to or for the use of any person; and so soon as any such lighthouse shall in manner aforesaid become vested in the said master, wardens, and assistants, the tolls which shall then be by law payable in respect of any such lighthouse shall thenceforth become payable to and recoverable by the said master, wardens, and assistants, and be applied as are other the like tolls now payable to them.

XXI. Provided always, That where any payment shall be legally charged upon any lighthouse, or where any sum of money shall have been advanced by any person upon the security of any such lighthouse, then such lighthouse and the tolls to be from time to time payable in respect thereof shall remain subject to such payment or so much thereof as shall be unpaid at the time when such lighthouse shall vest in the said master, wardens, and assistants until they shall have purchased the same payment under this Act; and every person to whom any such payment shall be payable shall from the time when such lighthouse shall have so vested in the said master, wardens, and assistants, and until such payment shall have been so purchased by them, have such and the like means of enforcing his security against the said tolls to be from time to time collected by the said master, wardens, and assistants as he could have had if this Act had not been passed against the tolls now payable in respect of such lighthouse.

XXII. Provided, That where any ascertained sum of money, or any interest for the same, shall be remaining unpaid and charged upon any such lighthouse, or the tolls payable in respect of the same, at the time when the same shall be purchased by the said master, wardens, and assistants, and the said master, wardens, and assistants shall have due notice thereof, then they may retain the amount of such sum of money and interest respectively from the amount of the purchase-money, and they shall thereupon pay over the amount of such sum of money and interest respectively so remaining unpaid to the person to whom the same shall be payable; and if such person to whom such sum of money or interest shall be payable shall be a feme covert, infant, lunatic, or otherwise under a general disability or incapacity to give a discharge for such sum of money or interest respectively, then they shall cause the same to be paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his account there "ex parte the Corporation of Trinity House of Deptford Strond," in such manner and pursuant to such method and subject to such orders and to be dealt with, applied, and disposed of as is hereinafter pointed out in respect of the monies which shall belong to femes covert, infants, lunatics, or other persons under a general disability or inability to sell on account of the purchase of any lighthouse.

XXIII. That all such purchase-money which shall belong to any body politic or corporate, or any feme covert, infant, lunatic, or other person under a general disability or incapacity to sell, shall, in case the same shall amount to or exceed 200*l.*, with all convenient speed be paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Exchequer, to be placed to his account there "ex parte the Corporation of Trinity House of Deptford Strond," pursuant to

the method prescribed by 1 Geo. 4. c. 35, intituled, 'An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,' and shall be subject to the general orders of the said Court and without fee or reward, to the intent that such money shall be applied, under the direction and with the approbation of the said Court, to be signified by an order made upon a petition to be preferred in a summary way by the person who would have been entitled to the annual profits or produce of any estate or interest in such lighthouse, in the purchase of houses, buildings, lands, tenements, or hereditaments which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner, as such lighthouse stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the meantime, until such purchase shall be made, the said money shall, by order of the said Court of Exchequer, upon application thereto, be invested by the said Accountant General in his name in the purchase of 3l. per centum consolidated or 3l. per centum reduced bank annuities; and in the meantime, until the said bank annuities shall be ordered by the said Court to be sold for the purposes aforesaid, the dividends and annual produce thereof shall from time to time be paid by the order of the said Court to the person who would for the time being have been entitled to the annual profits and produce of such lighthouse in case the same had not been purchased or taken by the said master, wardens, and assistants under this Act.

XXIV. That if any purchase-money of any such lighthouse belonging to any person under disability or incapacity shall be less than 200l., and shall exceed 20l., then the same shall at the option of the person for the time being entitled to the annual profits or produce of such lighthouse, or of his guardian or committee or trustee, or person acting as such, to be signified in writing under their respective hands or common seal, be paid into the Bank of England in the name and with the privy of the Accountant General of the Court of Exchequer, and be placed to his account aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid, at the like option, to two trustees, to be nominated by the person making such option and approved of by the said master, wardens, and assistants, such nomination and approbation to be signified in writing under the hands or common seal of the nominating and approving parties, in order that such purchase-money and the dividends arising thereon may be applied in any manner hereinbefore directed, so far as the same shall be applicable, without its being necessary to obtain the direction or appointment of the said Court.

XXV. That where any such purchase-money shall not exceed 20l., then the same shall be applied to the use of the person who would for the time being have been entitled to the annual produce of such lighthouse, in such manner as the said master, wardens, and assistants shall think fit, or in case of infancy or lunacy, or other incapacity or disability to sell, then the same shall be paid to his guardian or committee or trustee, or other person acting as such, for the use of such person so entitled; and the receipt of the person so entitled, or of the person to whom the said master, wardens, and assistants shall make such payments as aforesaid, shall be a discharge to the said master, wardens, and assistants.

XXVI. That in case any person to whom any sum of money shall be awarded shall refuse to accept the same, or shall not be able to make a title to such lighthouse to the satisfaction of the said master, wardens, and assistants, or in case the person to whom any sum of money shall be awarded cannot be found, or if the person entitled to such lighthouse be not known or cannot be discovered, then the said master, wardens, and assistants may order the said sum assessed and awarded as and for any purchase-money to be paid into the Bank of England in the name and with the privy of the Accountant General of the Court of Exchequer, to be placed to his account to the credit of the said master, wardens, and assistants, and of the parties interested in such lighthouse, subject to the order of the said Court of Exchequer; which said Court, on the application of the said master, wardens, and assistants, or any party making claim to such sum of money or any part thereof, by motion or petition, may in a summary way of proceeding or otherwise, as to the same Court shall seem meet, order the same to be invested in the public funds, and may order distribution thereof, or payment of the dividends thereof, according to the respective estate or interest of the parties making claim thereto, and may make such other order in the premises as to the said Court shall seem just; and the cashier of the Bank of England who shall receive any such sum of money shall give a receipt for the same, specifying for what and for whose use the same is received.

XXVII. That where any question shall arise touching the title of any party to any money paid into the Bank of England in pursuance of this Act as purchase-money, or to any Bank annuities purchased therewith, or to the dividends of any such annuities, the party who shall have been in possession of such lighthouse or in the possession and enjoyment of the annual profits or produce of such toll, or in the actual perception of such rent, rent-charge, payment, annuity, or incumbrance at the time of such purchase-money being agreed upon or awarded, shall be taken to have the complete title thereto, according to such possession and enjoyment, until the contrary shall be shewn to the satisfaction of the said Court of Exchequer; and the dividends or interest of the said bank annuities shall be applied accordingly, and the said Court shall on the application of the said master, wardens, and assistants, or of any party claiming such purchase-money or bank annuities, order such proceedings to be taken for the purpose of deciding upon the validity or invalidity of the claim of such party as to the Court shall seem meet.

XXVIII. That where by reason of any disability or incapacity of the person entitled to any such lighthouse the purchase-money shall be required to be paid into the Bank of England, and be subject to the orders and directions of the Court of Exchequer, under the provisions herein contained, the said Court may order all the reasonable costs, charges, and expenses attending such purchase, or which may be incurred in consequence thereof, and also of the investment of the purchase-money, in real or government securities, and likewise the re-investment of such purchase-money, or the government and real securities purchased therewith, in the purchase of houses, buildings, lands, tenements and hereditaments, as hereinbefore mentioned, together with the costs, charges, and expenses of obtaining the proper orders and of the other proceedings for such purposes, and of the payment of the dividends and interest of the said government or real securities, and of the payment of the principal of the said purchase-money and of the government or real securities purchased therewith out of court, to be paid by the said master, wardens, and assistants, and the said master, wardens, and assistants shall from time to time pay such sums of money for such purposes as the said Court shall direct out of the monies applicable to the purposes of this Act.

XXIX. That the said master, wardens, and assistants, out of the tolls which shall be received by them under this Act, may, by and with the consent of the Lord High Treasurer for the time being, pay to any of the officers or servants now employed on account of any of the lighthouses now vested in the said master, wardens, and assistants, or to be vested in them under this Act, or in the collection of the tolls payable in respect thereof, and whom they may not have occasion to retain in their said office, such reasonable pension, by way of annual or quarterly payments, as to them shall seem proper: Provided always, that no such pension shall exceed the proportion with reference to the amount of his salary and the time of his service which may be granted as a superannuation allowance to officers and clerks in the public service, under an Act, 4 & 5 Will. 4. c. 24, intituled, 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service.'

And the better to enable the said master, wardens, and assistants to carry into effect the purposes of this Act,—

It is Enacted,

XXX. That the said master, wardens, and assistants, may, by and with the consent of the Lord High Treasurer for the time being, by bond or writing under their common seal, borrow at such rate of interest as shall be agreed upon in that behalf any sums of money that shall appear to them to be necessary for enabling them to complete the purchase of the said several lighthouses referred to in this Act or in the Schedule hereto, and to carry the purposes of this Act into execution; and the Lord High Treasurer may from time to time, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, lend to the said master, wardens, and assistants upon the security of such bonds or writings, such sums of money, upon such terms and conditions and at such rate of interest as the said Lord High Treasurer shall think fit, upon application in writing to be made to him for such purpose by the said master, wardens, and assistants such loan to be applied by them for any of the aforesaid purposes; and from the time of any such bond or writing being so made and given for any of the aforesaid purposes, the said master, wardens, and assistants from time to time shall keep down the interest which shall have accrued due on any such bond or writing, or may pay off the whole or any part of the principal money secured thereby, together with the arrears of interest thereon, from the proceeds of any tolls which may at the time be payable to them.

And after reciting that certain tolls are by law payable in respect of certain of the lighthouses referred to in this Act as being under the controul or management of individuals, and also in respect of certain other lighthouses now under the controul and management of the said master, wardens, and assistants, on foreign ships and vessels, over and above the tolls payable in respect of such lighthouses on British ships and vessels; but the vessels of certain foreign powers have, by virtue of conventions and treaties heretofore entered into with such foreign powers, and by orders of His Majesty in council, been exempted from the payment of such extra tolls, and provision hath been made for indemnifying the several persons entitled thereto, by payment of the same out of the consolidated duties of Customs: And that it is expedient that the said consolidated duties should be relieved from such payments;—

It is Enacted,

XXXI. That from the passing of this Act no payment shall be made out of the said consolidated duties as indemnity for such extra tolls in respect of any lighthouse now under the controul and management of the said master, wardens, and assistants, nor shall any such payment be made in respect of any lighthouse to be purchased by them under the authority of this Act from the time when the purchase thereof shall be completed.

XXXII. Provided, that if at any times hereafter any of the said conventions and treaties shall determine, or any of the said orders of His Majesty in council shall be revoked, then the said extra tolls shall again be levied on the ships and vessels of foreign powers on which, prior to such conventions, treaties, and orders such extra tolls were payable: and the amount of all such extra tolls which shall be received by the said master, wardens, and assistants, shall be paid by them to the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

And after reciting that the said master, wardens, and assistants are seised in fee of the lighthouses at the North and South Forelands in the county of Kent, and the land occupied therewith, and are entitled to receive certain tolls in respect thereof under a warrant for a lease from the Crown subject to the payment of a certain rent in respect thereof;—

It is Enacted,

XXXIII. That from the 1st of January 1837 all the tolls now payable in respect of the said lighthouses shall be vested in the said master, wardens, and assistants, and their successors freed from the said rent, and shall thenceforth continue to be payable to and receivable by them as are other the like tolls now payable to them.

XXXIV. That immediately from the completion by the said master, wardens, and assistants of the respective purchases of any of the several lighthouses called respectively the Skerries, Spurn Point, and Tinmouth Castle Light, all the powers which are by the recited Act, 3 Geo. 2. and the recited Acts 6, 12, and 42 Geo. 3, respectively granted to or in favour of the persons interested in such lighthouses, or for the better maintenance of the same lighthouses respectively or in regard to the payment and collection of tolls in respect thereof, shall be exercised by the said master, wardens, and assistants under this Act.

And after reciting that there hath for a long series of years been a lighthouse upon the island of Heligoland, and a light exhibited therefrom for the protection and guidance of ships and vessels navigating the German Ocean, or entering or departing from the rivers Elbe and Weser, and such lighthouse was rebuilt in or about the year 1810: And that a floating light was established in or about the year 1813 on Bembridge Ledge in the English Channel: And that the said lighthouse and light have since those times been respectively maintained by and at the cost of His Majesty;—

It is Enacted,

XXXV. That from the passing of this Act the lighthouse at Heligoland, with the land buildings, and appurtenances thereunto belonging or occupied for the purpose thereof, and all the fixtures, apparatus, and furniture respectively belonging thereto, and the floating light on Bembridge Ledge aforesaid, with the vessel from which the same is exhibited, and the tackle, furniture, and stores belonging to the said vessel, together with the furniture and apparatus of and belonging to the said floating

light, shall become the property of and absolutely vest in the said master, wardens, and assistants and their successors, and they shall thenceforth be deemed to be in the actual occupation thereof, freed from all former and other estates, rights, titles, interests, claims, and demands, whether of His Majesty or of any other person, and the maintenance, controul, and management of the said lighthouse and floating light shall thenceforth be in the said master, wardens, and assistants as are the several lighthouses and floating lights now belonging to them.

And after reciting that the tolls received in respect of the lighthouse in the island of Heligoland are insufficient to defray the necessary expenses of maintaining the same, and the excess of expenses beyond the receipts has become a considerable charge on His Majesty's government; and that foreign ships and vessels, although they derive great benefit from the said lighthouse, do not at present pay any toll in respect thereof, and it is reasonable that such foreign vessels should contribute to the expenses of the same, as far as they are benefited thereby;—

It is Enacted,

XXXVI. That from the 31st of December 1836 the several tolls now levied and taken in respect of the said light so exhibited on the said island of Heligoland shall cease and be no longer received, and that in lieu thereof the said master, wardens, and assistants may from the said 31st of December 1836, from time to time, receive towards the maintenance of the said lighthouse and the exhibition of a proper light therefrom, the sum of 1d. per ton for every vessel (not belonging to His Majesty) for each time that such vessel shall depart from any port or place within the United Kingdom of Great Britain and Ireland to any port or place at, within, or near to the entrance of the rivers Elbe and Weser or either of them, and the like toll upon every vessel (not belonging to His Majesty) for each time that such vessel shall arrive at any port or place within the said United Kingdom from any port or place at, within, or near to the entrance of the said rivers or either of them.

XXXVII. That so much of the recited Act, 6 Geo. 3. c. 31. as gives to the corporation of the Trinity House of Hull any authority, superintendence, or controul over the lighthouses therein referred to, and so much of the recited Act, 48 Geo. 3. c. 43. as gives to the master, wardens, and assistants of the corporation of the Trinity House of Newcastle-upon-Tyne authority to inspect the lighthouse in the last-mentioned Act referred to, shall be and the same is hereby repealed.

XXXVIII. That from the passing of this Act no new light, beacon, or sea mark shall be exhibited or altered or caused or permitted to be exhibited or altered nor shall any now existing light, beacon, or sea mark be altered or caused or permitted to be altered, by any trustees, commissioners, corporation, company, local officer, or person whatsoever heretofore authorized so to do on any pier or in or near to any port or harbour on the coasts of the United Kingdom or on any of the islands, rocks, or other places adjoining or near to the same, for the guidance of ships and vessels navigating by and along the said coasts or entering or resorting to or departing from any port, harbour, canal, or other place, without the sanction in writing of the said master, wardens, and assistants, commissioners of northern lighthouses, or corporation for improving the port of Dublin, as the case may be, having been first obtained in that behalf; and all such persons shall in all things conform to such reasonable orders and alterations as the said master, wardens, and assistants, commissioners or corporation, shall from time to time make and direct as to the description and power of any such light and the character of any such beacon or sea mark, and the mode of exhibiting the same respectively, due notice of such orders and alterations being first given by the said master, wardens, and assistants, commissioners, or corporation, to them.

XXXIX. That all the vessels, yachts, barges and boats of or in the employ of the said master, wardens, and assistants, from time to time and at all times whilst they shall be in the actual *bond fide* service of the said master, wardens, and assistants, may pass and repass by and along the coasts of the United Kingdom and all lighthouses erected or exhibited upon or near the said coasts and pass and repass into or out of any harbour port, creek, river, canal or any other place in the said United Kingdom, and (if need be) be moored and abide within the same respectively, without being liable to any harbour or port dues, pier duties, or canal dues, light dues, pilotage dues, or other rates, tolls, dues, duties, taxes, demand, or payments whatsoever, for or in respect of their so doing, any law, statute, charter, grant, prescription, custom, usage, or bye law to the contrary thereof in anywise notwithstanding.

XL. That from the 1st of January 1837 the tolls now payable by or in respect of vessels for or towards the maintenance of the several lighthouses at present under the management of the Commissioners of Northern Lighthouses shall cease to be payable, and that in lieu thereof there shall thenceforth for ever be paid to the said Commissioners of the Northern Lighthouses for every vessel belonging to the United Kingdom of Great Britain and Ireland (the same not belonging to His Majesty, his heirs or successors, or being navigated wholly in ballast), and for every foreign vessel which by any Act of Parliament, order in council, convention, or treaty shall be privileged to enter the ports of the said United Kingdom upon paying the same duties of tonnage as are paid by British vessels (the same not being vessels navigated wholly in ballast), which shall pass any of the said lighthouses or derive benefit thereby, the toll of $\frac{1}{4}$ d. per ton of the burden of every such vessel for each time of passing every such lighthouse or deriving benefit thereby, and of 1d. per ton for each time of passing the Bell Rock Lighthouse, and double the said tolls for every foreign vessel not so privileged.

XLI. That from the passing of this Act all payments heretofore made to the said Commissioners of the Northern Lighthouses and to the Corporation for preserving and improving the port of Dublin respectively, out of the consolidated duties of Customs, in lieu of any extra tolls payable on foreign vessels in respect of any lighthouse on the coasts of Scotland or Ireland respectively shall cease: Provided always, that in case any of the said extra tolls shall again be levied, the same shall be paid by the said Commissioners and corporation to the Consolidated Fund of Great Britain and Ireland.

XLII. That the said Commissioners of the Northern Lighthouses and the said corporation for preserving and improving the port of Dublin respectively may from time to time erect, set up, place, and maintain such new or other lighthouses in such places on the coasts and islands of Scotland and Ireland respectively as to them shall seem expedient, and also from time to time so alter or remove any lighthouses on the said coasts, and so vary the mode of exhibiting lights from any lighthouse as to them shall seem expedient: Provided always, that no such new lighthouse shall be erected on the said coasts and islands of Scotland or Ireland, nor shall any lighthouse be removed, or the character thereof or of the light exhibited therefrom be altered by the said Commis-

sioners or the said corporation respectively, until they shall have given to the master, wardens, and assistants of the Trinity House of Deptford Strond six months notice in writing of their intention so to alter, remove, or vary the same, by leaving such notice at the Trinity House in London, together with the grounds of such their intention; and if the said master, wardens, and assistants shall see ground to disapprove of the erection of any such intended new lighthouse or any such intended removal or alteration of the character of any existing lighthouse or light, or shall suggest any improvement therein respectively, and shall notify such their disapproval or suggestion (as the case may be) to the said Commissioners or corporation within the space of six months next after receiving such notice, then such disapproval or suggestion so to be notified as aforesaid shall be conclusive on the said Commissioners and corporation respectively, nor shall it in any such case be lawful to the said Commissioners or corporation to carry into effect any such proposed or intended erection, work, removal, or alteration, except in such manner and form as the said master, wardens, and assistants shall so as aforesaid have suggested or approved of; and the said master, wardens, and assistants may from time to time suggest to the said Commissioners and corporation respectively alterations in relation to the management of such lighthouses, or in relation to the form of the lights exhibited therefrom or the times or manner of so exhibiting the same, or the erection of any new lighthouse, and of such their suggestions may cause written notice to be from time to time given to the said Commissioners and corporation respectively, by leaving the same at the office of the said Commissioners in Edinburgh or at the office of the said corporation in Dublin (as the case may be); and thereupon the Commissioners or corporation (as the case may be) shall with all convenient speed consider the same, and report their opinion thereon to the said master, wardens, and assistants.

XLIII. Provided, That if the said Commissioners or corporation (as the case may be) shall be dissatisfied with any such disapproval or suggestions as aforesaid they shall without delay cause a copy of the notification of such disapproval or of such suggestions, as the case may be, to be laid before His Majesty in council, together with their remarks thereon, and His Majesty in council thereupon may make orders to the said Commissioners or corporation with respect to any such disapproval or suggestions as to His Majesty in council shall seem fitting, and the same Commissioners or corporation (as the case may be) shall thenceforth in all things conform to all such last-mentioned orders.

XLIV. That the said master, wardens, and assistants, and their successors, and their engineers, workmen, and servants, may from time to time and at all times enter the lighthouses on the coasts of Scotland and Ireland respectively, to view the condition thereof or otherwise for the purposes of this Act.

XLV. That from the time when any such new lighthouse shall under this Act have been so erected upon the coasts of Scotland and Ireland respectively, and so long as a light shall be exhibited from such lighthouse during the night season, there shall be paid to the said Commissioners or corporation who shall have erected the same, by the owner or other person having the command of any vessel not belonging to His Majesty which shall pass such lighthouse, or derive benefit thereby, such reasonable toll as shall have been first approved in that behalf by His Majesty in council.

XLVI. That as soon as any such new lighthouse shall have been so erected upon the coasts of Scotland and Ireland respectively under this Act, and the toll to be paid for the same shall have been approved, notice thereof shall be given by such of them the said Commissioners or corporation as shall have erected such lighthouse three several times in the *London Gazette*, and also in two or more of the principal papers in Edinburgh and Dublin respectively, (that is to say,) in two or more of the principal papers circulated in Edinburgh when such new lighthouse shall be erected on the coasts of Scotland, and in two or more of the principal papers circulated in Dublin when such new lighthouse shall be erected on the coasts of Ireland; and the toll to be paid in respect of such lighthouse shall not become payable until one month next after the date of the last of such notices.

XLVII. Provided, That every such new lighthouse erected on the coasts of Scotland and Ireland respectively under this Act, and the tolls payable in respect thereof, shall immediately on the erecting of such lighthouse and the establishment of such tolls be vested in such of them, the said Commissioners and corporation respectively as shall have erected such lighthouse, and in their respective successors, as the lighthouses now on the coasts of Scotland and Ireland respectively, and the tolls payable in respect thereof, are now vested in them respectively.

XLVIII. That from the passing of this Act all bodies corporate or collegiate, trustees or commissioners, and all persons whomsoever, having any lighthouse in Scotland and Ireland respectively, or on or near the respective coasts thereof, whether under the authority of Parliament or any charter or usage, may surrender the same to the said Commissioners or corporation, as the case may be, who are hereby empowered to accept the same, if they think fit; and such lighthouse, being so surrendered and accepted, shall thenceforth be under the management and control of the said Commissioners or corporation (as the case may be), and be subject to the same regulations, and the tolls payable in respect thereof shall be subject to be reduced, relinquished, or modified in like manner as other the lighthouses of the said Commissioners and corporation respectively, and the tolls payable in respect thereof.

XLIX. That it shall not be lawful for the said Commissioners or corporation to grant any pension, compensation, or retired allowance to any person in their service out of the tolls to be received by them which shall exceed the proportion, with reference to the amount of the salary and time of the service of such person, which may be granted as a superannuation allowance to persons in the public service under the before-recited Act, 4 & 5 Will. 4.

L. That the said corporation for preserving and improving the port of Dublin may, after the passing of this Act, appoint fit persons at and for such ports, districts, and places in Ireland as they shall deem expedient to be collectors of the tolls payable or to be hereafter payable to the said corporation in respect of lighthouses upon the coasts of Ireland; and as soon as such appointment shall have been made the tolls which by the said recited Act, 52 Geo. 3, are directed to be paid to the collector or other chief officer of the Customs in the several ports of Ireland shall be paid to and collected by the collectors so to be appointed by the said corporation.

And for the more uniform and better collection of the tolls payable in respect of lighthouses throughout the United Kingdom, and for affording greater facility to parties paying the same,—

It is Enacted,

LI. That from the 31st of December, 1836 the collector from time to time appointed by the said master, wardens, and assistants for any port, district, or place in England, and the collector appointed by the said Commissioners for any port, district, or place in Scotland, and the collector appointed by the said corporation for any port, district, or place in Ireland, is hereby authorized and required to collect, demand, and receive all the tolls to which every vessel within such port, district, or place shall be liable in respect of any lighthouse, in whatsoever part of the said United Kingdom such lighthouse may be situate, and whether such tolls shall be payable to such of them, the said master, wardens, and assistants, Commissioners and corporation, as such collector was appointed by, or to the other or others of them; and every such collector shall account for and pay over all the tolls received by him to such of them, the said master, wardens, and assistants, Commissioners and corporation, as he shall have been appointed by; and the said master, wardens, and assistants, Commissioners and corporation, shall in every year mutually account to each other for all such tolls as shall have been received by any of them for the others of them respectively under this Act, and pay over whatever balance may be due on such account to either of them.

LII. Provided, That if at any time the Lords Commissioners of His Majesty's Treasury shall be of opinion that in any case the collection of the said tolls can conveniently and properly be made, and that it is expedient that the same should be made by the collector or other chief officer of His Majesty's Customs at any port or place, the said Lords Commissioners shall and may from time to time communicate such their opinion to the said master, wardens, assistants, Commissioners or corporation respectively, who shall thereupon appoint such collector or other chief officer to make such collection accordingly and pay him such commission or allowance (if any) in respect thereof as to the said Lords Commissioners shall seem reasonable.

LIII. That no officer of the Customs of His Majesty at any of the ports, harbours, or places of the said United Kingdom, who shall be required in manner hereinafter mentioned to ascertain that such tolls have been paid, shall receive any entry or report or cocket or other discharge or clearance, inwards or outwards, for any vessel liable to any tolls payable in respect of any lighthouse, in whatever part of the United Kingdom the same may be, until the owner, master, or other person having the command of such vessel, or his agent, shall shew to such officer of the Customs a voucher for the payment of such tolls, signed by some collector appointed by the said master, wardens, and assistants, Commissioners or corporation, in respect of such port, harbour, or place (if any such collector shall have been so appointed); and so often as it shall happen that there shall be no such collector appointed by the said master, wardens, and assistants, Commissioners or corporation, in respect of any such port, harbour, or place, then until the amount of such tolls to which any such vessel entering or departing from any such port, harbour, or place shall be liable shall have been paid to the collector or other chief officer of His Majesty's Customs at such port, harbour, or place, who shall receive such tolls, and cause the amount thereof to be paid to the said master, wardens, and assistants, Commissioners or corporation; (that is to say, where the port, harbour, or place shall be in England, to the said master, wardens, and assistants; where the said port, harbour, or place shall be in Scotland, to the said Commissioners; and where the said port, harbour or place shall be in Ireland, to the said corporation; the said officer of His Majesty receiving such tolls and paying the same being allowed such reasonable commission in respect thereof as to the said master, wardens, and assistants, Commissioners and corporation respectively shall seem meet, so that the same shall not exceed five per cent. on the sums collected by him; and the Commissioners of His Majesty's Customs shall from time to time, if thereunto requested by the said master, wardens, and assistants, Commissioners or corporation, require some officer of His Majesty's Customs at every such port, harbour, or place to ascertain that such tolls have been paid, and shall from time to time give such orders to such officer in relation thereto as shall seem necessary for securing the collection of the said tolls, according to any regulation then in force respecting such collection.

LIV. That in case any master or owner, or other person having the charge of any vessel liable to the payment of any tolls in respect of any lighthouse shall refuse or neglect to pay any such tolls to which such vessel shall be liable to the collector authorized to receive the same, the said master, wardens, and assistants, Commissioners and corporation respectively, or the collector authorized to receive the same, or the collector or other chief officer of His Majesty's Customs, or other person entitled to receive the same, may seize and carry away any of the goods, merchandize, guns, tackle, furniture, or apparel of or belonging to or on board of any such vessel (leaving notice thereof on board such vessel), and detain the same for the space of three full days then next, unless the said tolls, and all arrears thereof due in respect of such vessel, shall in the meantime be satisfied; and in case all such tolls and arrears thereof shall not before the expiration of such three days have been satisfied, then the said master, wardens, and assistants, Commissioners or corporation, or the collector authorized to receive the same, or the collector or other chief officer of His Majesty's Customs or other person entitled to receive the same, or such person as they shall appoint in that behalf, may cause the same goods, merchandize, guns, tackle, furniture, or apparel so seized to be appraised by two or more sufficient persons or sworn appraisers, within a reasonable space of time then next following, and may thereupon sell the same, and out of the proceeds of such sale pay the amount of the tolls or arrears thereof to which such ship shall be liable, together with the reasonable charges of the seizure, detention, appraisement, and sale, rendering to the master or owner or other person having the command of such vessel, the overplus (if any) on demand.

LV. Provided, That notwithstanding anything in this Act contained, the said master, wardens, and assistants, and the said Commissioners and the said corporation, may sue for and recover the amount of any tolls payable to them in respect of any lighthouse by action of debt or suit in equity in any of His Majesty's courts of record in Great Britain or Ireland, against the owner or master or other person having the command of any vessel liable thereto.

And after noticing that by the recited Act, 3 Geo. 4. c. 111, the said master, wardens, and assistants were empowered from time to time, upon the requisition or with the consent of His Majesty in council, to reduce, relinquish, or modify, in manner therein mentioned, the tolls therein mentioned; and in exercise of the said power they have, with such consent, reduced and modified sundry of the tolls in the recited Act mentioned, to the great relief of the owners of vessels liable thereto: And that in order to the further relief of the owners of vessels, it is expedient that the powers of the recited Act given to the said master, wardens, and assistants should be enlarged and extended to the several tolls now or hereafter to be payable to the said master, wardens, and assistants, and that the like powers should be given to the said Commissioners and corporation

respectively, in relation to the tolls now or hereafter to be payable to them in respect of lighthouses on the coasts of Scotland and Ireland respectively;—

It is Enacted,

LVII. That the said master, wardens, and assistants, Commissioners and corporation respectively, may from time to time, upon the requisition or with the consent of His Majesty in council, reduce, relinquish, or modify the tolls now or hereafter to be payable to them in respect of any lighthouse, and upon the like requisition or with the like consent may revive and re-establish or increase, or otherwise modify, any such tolls so relinquished or modified, and so from time to time as often as occasion shall require, in such manner and form, and subject to such conditions and limitations as the said master, wardens, and assistants are now by law empowered to do in respect of the tolls mentioned in the recited Act, 3 Geo. 4. c. 111.

LVIII. That the said master, wardens, and assistants, Commissioners and corporation respectively, from time to time, upon the like requisition, or with the like consent of His Majesty in council, may make regulations for the purpose of relieving certain vessels from the tolls payable to the said master, wardens, and assistants, Commissioners and corporation respectively, in respect of any lighthouses, upon such terms and to such extent as to them respectively shall seem proper, or for the purpose of substituting any other class of toll or other payment in respect of vessels, or any particular description of vessels, in lieu of the tolls to which such vessels may be subject at the time of the making of such regulations respectively, or for the purpose of altering the times and places or either of them at which any tolls in respect of any lighthouses shall be payable, and may revoke or alter any such regulation; and from and after the time when such regulation shall take effect the tolls thereby made payable shall be paid by the owners and masters of the vessels mentioned therein (unless otherwise declared by such regulation), and be recoverable by the said master, wardens, and assistants, Commissioners and corporation respectively, at such time and place and in such manner as were the tolls in lieu whereof the same shall have been so made payable: Provided always, that no such regulation, or revocation or alteration of any such regulation, shall take effect until the same shall have been submitted by the said master, wardens, and assistants, Commissioners or corporation respectively, to and shall have been assented to and confirmed by His Majesty in council, and such assent and confirmation shall have been signified in writing to the said master, wardens, and assistants, Commissioners or corporation respectively, nor until one month after the said master, wardens, and assistants, Commissioners or corporation respectively shall have caused notice of such regulation, or of such revocation or alteration of any regulation, (as the case may be,) to be published in the *London Gazette*.

And to the intent that the amount of the tolls from time to time payable to the said master, wardens, and assistants, Commissioners and corporation respectively, upon vessels, in respect of lighthouses, and also the regulations from time to time in force concerning them, may be publicly made known:—

It is Enacted,

LXIII. That as soon as conveniently may be after the said master, wardens, and assistants shall have completed the said purchases by this Act authorized to be made, and shall, upon the requisition or with the consent of His Majesty in council, have altered, modified, or reduced the tolls hereby vested in them, or made regulations concerning the same, they shall cause to be drawn up a table of all the tolls payable to them upon vessels in respect of any lighthouses, together with a summary of such regulations as shall have been made by them concerning the same upon such requisition or with such consent as aforesaid, and shall cause the same to be laid before His Majesty in council, and the same shall be signed by the clerk of the council, and enrolled or entered amongst the public records thereof; and the said master, wardens, and assistants shall cause a printed copy of such table together with such summary to be delivered to the Commissioners of His Majesty's Customs at His Majesty's Custom House in London, and a printed copy thereof to be also forwarded to His Majesty's principal officer of Customs at each port or place within the United Kingdom for which any such officer shall be appointed; and the said Commissioners and corporation respectively shall within four months next after the passing of this Act in like manner cause to be drawn up alike table of all the tolls payable to them respectively upon vessels in respect of any lighthouses, with a summary of such regulations as shall have been made by them concerning the same upon such requisition or with such consent as aforesaid, and shall cause the same to be laid before His Majesty in council, and the same shall be signed and enrolled or entered as aforesaid; and the said Commissioners and corporation respectively shall cause printed copies of such tables respectively, together with such summary, to be so delivered and forwarded as aforesaid, and so from time to time as often as any alteration in the amount of any such tolls, or any new regulation, or alteration of any existing regulation concerning the same shall be made, the said master, wardens, and assistants, Commissioners or corporation respectively, shall, with all convenient speed, cause fresh tables of such tolls and a summary of every such new regulation or alteration to be laid before His Majesty in council, where the same shall be so signed and entered as aforesaid; and the said master, wardens, and assistants, Commissioners and corporation respectively, shall cause printed copies thereof in like manner to be delivered at His Majesty's custom-houses in London, Edinburgh, and Dublin respectively, and forwarded to such several principal officers of Customs within the United Kingdom; and the Commissioners of His Majesty's Customs for the port of London, Edinburgh, and Dublin respectively, and all other His Majesty's principal officers of Customs for any such port or place to whom any such copies shall be so delivered or forwarded, shall cause the same to be kept constantly hung up and preserved as long as the same shall remain in force in some conspicuous part of His Majesty's custom-houses in London, Edinburgh, and Dublin respectively, or other the custom-house for any such port or place, so that the said tables may be seen and read by all persons having any business in such custom-houses respectively; and the tolls specified in any such table, when so signed and entered, shall be the lawful tolls or duties payable to the said master, wardens, and assistants, Commissioners and corporation respectively, and the same, and none other, shall be received by them respectively upon the vessels and in respect of the lighthouses therein referred to, and in such manner and form as shall be directed therein, or in such summary so therewith drawn up and entered as aforesaid; and a copy of any such table, examined with the original so entered and so purporting to be signed as aforesaid, shall be deemed and taken in all courts of law and other places to be evidence of the right to recover such tolls according to the tenor thereof.

And after reciting, that the sands and shoals upon the coasts of the United Kingdom are in many places liable to vary their form so considerably as to occasion changes in the course of the navigation near the same, and it is therefore expedient, for the

more effectual security of ships and vessels navigating the seas off and near to the coasts of the said United Kingdom, that power should be given to alter from time to time the position of the lighthouses erected or placed for the protection of vessels, as occasion may require :—

It is Enacted,

LIX. That when any lighthouse shall, by reason of any variation or change in the form of any such sand or shoal, become unnecessary in the situation in which the same shall then be, and shall become necessary or would from such or any other cause be more useful in some other situation, the said master, wardens, and assistants, Commissioners and corporation respectively, may, upon the requisition or with the consent of His Majesty in council, remove and discontinue any such lighthouse, and erect another or other lighthouses instead thereof where they shall be found better adapted for the purpose of protecting ships and vessels from damage ; and from the time at which such new lighthouse shall have been so erected, and so long as the same shall be maintained, and a light shall be exhibited therefrom during the night season, the tolls theretofore payable in respect of such lighthouse so removed or discontinued shall be payable in respect of such new lighthouse, and the said master, wardens, and assistants, Commissioners and corporation respectively, may thenceforth collect and have the same tolls for the maintenance of any such new lighthouse, from or in respect of such and the same vessels, and to be collected, recovered, and applied in such and the same manner, as were the tolls in respect of the lighthouse so removed or discontinued : Provided always, that where any such lighthouse shall be so removed and discontinued, and any new lighthouse shall be erected instead thereof, notice of such removal and discontinuance, and of the erection of such new lighthouse, shall be published by the said master, wardens, and assistants, Commissioners and corporation respectively, three, several times in the *London Gazette*, and also in two or more of the principal papers circulated in Edinburgh, in case such new lighthouse shall be erected on the coast of Scotland, and in two or more of the principal papers circulated in Dublin, in case such new lighthouse shall be erected on the coast of Ireland.

And after reciting, that it sometimes happens that the said master, wardens, and assistants find it desirable, in order to the more convenient maintenance of their lighthouses and lights, to possess a small additional quantity of ground adjoining their lighthouses, and it is usual for them in such cases to purchase the same, but difficulty has been occasionally experienced in effecting such purchases :—

It is Enacted,

LX. That from and after the passing of this Act it shall be lawful for the said master, wardens, and assistants from time to time whenever they shall see fit, to take so much and such quantity of ground adjoining or near to any of the lighthouses erected or to be erected by them as they shall deem necessary for the purposes of the said lighthouse or the occupation thereof, not exceeding in the whole one acre as to any one lighthouse ; and all and every the powers of purchase and sale in and by this Act conferred in reference to lighthouses authorized to be purchased by the said master, wardens, and assistants shall be deemed to extend to every such piece of ground so to be taken by them under the authority of this Act ; and all and every the provisions in this Act contained, in reference to the purchase of lighthouses, or to the adjustment or assessment and payment or investment of the purchase-money for the same, shall be deemed to extend also to the purchase of any such piece of ground as aforesaid, and to the adjustment or assessment and payment or investment of the purchase-money for the same : Provided always, that in case any such lighthouse in respect of which the said master, wardens, and assistants shall take any land or ground to be held therewith under the powers of this Act, shall at any time hereafter be abandoned or given up by the said master, wardens, and assistants, or for the space of three years shall cease to be used or employed as a lighthouse, or in case the said land shall be otherwise used than for the purposes of the said lighthouse or the occupation thereof, then and in every such case any land or ground which shall have been so taken by the said master, wardens, and assistants shall vest in the person or persons who was or were proprietor or proprietors thereof at the time of the purchase by the said master, wardens, and assistants, or his or their heirs, executors, or administrators, on the repayment of the purchase-money thereof, according to the nature of his or their estate or interest in such land or ground at the time of the purchase, or the person or persons who would have been or become entitled to the said land or ground in case such purchase had not been made.

And after reciting, that it sometimes happens that fires and lights are burnt at or caused by kilns, factories, or other works situate on the coasts of the United Kingdom, so as to be mistaken at sea for lighthouses, whereby vessels navigating along or near to the said coasts are exposed to much peril, and it is expedient that a sure and speedy remedy be provided for such inconvenience :—

It is Enacted,

LXI. That if any fire or light shall at any time hereafter be burnt at or caused by any kiln, factory, furnace, forge, chimney, building, or other work, in such manner and form, or at such times, or in such place on or near to any part of the coasts of the United Kingdom, as to be subject and liable to be mistaken at sea for any lighthouse on or near to any part of such coasts for the protection and guidance of vessels, and the owner or other person having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work shall not, within a reasonable time after notice to that effect shall have been delivered to him or them, or left at such kiln, factory, furnace, forge, chimney, building, or other work, by the said master, wardens, and assistants, Commissioners or corporation, as the case may be (such reasonable time to be specified in such notice), take effectual means in order to prevent the fire or light burnt at or caused by the same from being so as aforesaid mistaken at sea for any such lighthouse, every such owner or other person so having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work so making default as aforesaid shall be deemed guilty of a common nuisance, and, over and besides all other pains and penalties by law inflicted upon persons guilty of a common nuisance, shall be subject to a penalty of 10*l.*, to be levied and recovered in a summary way before any one or more of His Majesty's Justices of the Peace acting in and for the county wherein or next whereunto such kiln or factory, furnace, forge, chimney, building, or other work, shall be situate, upon complaint to him or them in that behalf by the said master, wardens, and assistants, Commissioners or corporation, or one of their agents ; and such penalty (unless forthwith paid) shall and may be levied by distress and sale, under the warrant of such Justice or Justices, of the goods and chattels of the person who shall be adjudged guilty of such nuisance, and

shall go and be applied (after first defraying thereout the reasonable costs and charges of recovering the same) to or for the use of the parish or union where such offence shall have been committed or such default made, to be applied in aid of the poor rate of such parish or union; and if the owner or other person having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work shall still fail or neglect to abate such nuisance for and during the period of seven days next after such penalty shall have been adjudged by or before such Justice or Justices, then it shall be lawful for the said master, wardens, and assistants, Commissioners or corporation, as the case may be, their agents or workmen, thereupon forthwith to enter upon such kiln, factory, furnace, forge, chimney, building, or other work, or the land whereon or near whereto the same may be situated, and, at the expense of such owner or other person, to abate the said nuisance, or take such other convenient measures in regard thereto as to them shall seem meet, in order to prevent the fire or light from time to time burnt at or produced by such kiln, factory, furnace, forge, chimney, building, or other work from being so mistaken for any lighthouse (the said master, wardens, and assistants, Commissioners or corporation respectively, and their agents and workmen aforesaid, doing no unnecessary damage to the owner or occupier of such kiln, factory, furnace, forge, chimney, building, or other work); and the said master, wardens, and assistants, Commissioners or corporation respectively, shall and may recover the expense of so abating such nuisance, or of such other measures so by them taken in regard thereto under the authority of this Act (with treble costs of suit), in any of His Majesty's courts of record at Westminster or Dublin, or in the Court of Session in Scotland, by action of debt or on the case, against any one or more of such owners, or against the person having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work; and no conviction, order, direction, or warrant made or purporting to be made by virtue of this Act shall be quashed for want of form, or be removed by certiorari or otherwise into any of His Majesty's courts of record at Westminster or Dublin, or into the Court of Session in Scotland.

LXII. That the said master, wardens, and assistants, commissioners and corporation respectively, shall within one month after the meeting of Parliament in every year lay before each house of Parliament a true account of the receipt and application of all monies which shall have been received and applied by them respectively for any such tolls in respect of any lighthouse, together with a report of the principal alterations and improvements (if any) that shall have been made by them respectively in any lighthouse in the course of the then last past year.

LXIII. That in case any suit or action shall be commenced against the said master, wardens, and assistants, Commissioners or corporation, or any other person, for anything done in pursuance of this Act, the defendant or defendants in such suit or action may plead generally that the matters complained of in and by such suit or action were done by the authority of this Act of Parliament, and may give the special matters in evidence.

LXIV. That in the provisions of this Act which relate to the purchase or vesting of lighthouses, and to the application of the purchase-money thereof, the word "lighthouse" shall be construed to include (as the case may be) lighthouse, light, or sea-mark, and all lands, buildings, fixtures, apparatus, and furniture belonging thereto and occupied therewith, and all tolls or duties or other profits or produce arising in respect of such lighthouse, light, or sea-mark, or its appurtenances and any estate or interest therein, and rent, rent-charge, annuity, payment, or incumbrance issuing thereout or charged thereon; and the words "purchase-money" shall include compensation as well as purchase-money, and whether ascertained by agreement between the master, wardens, and assistants and the party interested, or by assessment by a jury; and the word "payment" shall include all rents, rent-charges, annuities, or sums of money payable; and the word "sheriff" shall include under-sheriff or other legally competent deputy; and the word "precept" shall include "warrant"; and the word "person" shall include bodies politic or corporate; and in all other parts of this Act the word "lighthouse" shall include lighthouses, lights, sea-marks, floating lights, beacons, buoys, and other marks or signs for the sea; and the word "tolls" shall in every part of this Act include every species of duty or payment payable by the owners or masters of ships and vessels in respect of a lighthouse, floating light, sea-mark, buoy, or beacon; and the word "vessel" shall include "ship"; and the expression "officer of the Customs" shall include collector, comptroller, receiver of entries, surveyor or searcher, waiter, or any other officer of Customs of His Majesty, or his deputy or clerk; and the expression "His Majesty" shall include the heirs and successors of His Majesty; and the expression "His Majesty in council" shall mean His Majesty acting by and with the advice of his most honourable Privy Council; and the term "Lord High Treasurer" shall mean also the Lords Commissioners of His Majesty's Treasury, or any three or more of them, while that office is performed by commission; and the word "Commissioners" shall mean Commissioners of the Northern Lighthouses; and the word "corporation" shall mean corporation for preserving and improving the port of Dublin; and the word "England" shall mean England and the principality of Wales; and the word "county" shall mean any riding or other like division of a county; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things; and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

LXV. That this Act shall be deemed and taken to be a public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE to which the foregoing Act refers.

SKERRIES.
SPURN POINT.
TINMOUTH CASTLE.
SMALLS.
LONGSHIPS.

more effectual security of ships and vessels navigating the seas off and near to the coasts of the said United Kingdom, that power should be given to alter from time to time the position of the lighthouses erected or placed for the protection of vessels, as occasion may require :—

It is Enacted,

LIX. That when any lighthouse shall, by reason of any variation or change in the form of any such sand or shoal, become unnecessary in the situation in which the same shall then be, and shall become necessary or would from such or any other cause be more useful in some other situation, the said master, wardens, and assistants, Commissioners and corporation respectively, may, upon the requisition or with the consent of His Majesty in council, remove and discontinue any such lighthouse, and erect another or other lighthouses instead thereof where they shall be found better adapted for the purpose of protecting ships and vessels from damage ; and from the time at which such new lighthouse shall have been so erected, and so long as the same shall be maintained, and a light shall be exhibited therefrom during the night season, the tolls theretofore payable in respect of such lighthouse so removed or discontinued shall be payable in respect of such new lighthouse, and the said master, wardens, and assistants, Commissioners and corporation respectively, may thenceforth collect and have the same tolls for the maintenance of any such new lighthouse, from or in respect of such and the same vessels, and to be collected, recovered, and applied in such and the same manner, as were the tolls in respect of the lighthouse so removed or discontinued : Provided always, that where any such lighthouse shall be so removed and discontinued, and any new lighthouse shall be erected instead thereof, notice of such removal and discontinuance, and of the erection of such new lighthouse, shall be published by the said master, wardens, and assistants, Commissioners and corporation respectively, three, several times in the *London Gazette*, and also in two or more of the principal papers circulated in Edinburgh, in case such new lighthouse shall be erected on the coast of Scotland, and in two or more of the principal papers circulated in Dublin, in case such new lighthouse shall be erected on the coast of Ireland.

And after reciting, that it sometimes happens that the said master, wardens, and assistants find it desirable, in order to the more convenient maintenance of their lighthouses and lights, to possess a small additional quantity of ground adjoining their lighthouses, and it is usual for them in such cases to purchase the same, but difficulty has been occasionally experienced in effecting such purchases :—

It is Enacted,

LX. That from and after the passing of this Act it shall be lawful for the said master, wardens, and assistants from time to time whenever they shall see fit, to take so much and such quantity of ground adjoining or near to any of the lighthouses erected or to be erected by them as they shall deem necessary for the purposes of the said lighthouse or the occupation thereof, not exceeding in the whole one acre as to any one lighthouse ; and all and every the powers of purchase and sale in and by this Act conferred in reference to lighthouses authorized to be purchased by the said master, wardens, and assistants shall be deemed to extend to every such piece of ground so to be taken by them under the authority of this Act ; and all and every the provisions in this Act contained, in reference to the purchase of lighthouses, or to the adjustment or assessment and payment or investment of the purchase-money for the same, shall be deemed to extend also to the purchase of any such piece of ground as aforesaid, and to the adjustment or assessment and payment or investment of the purchase-money for the same : Provided always, that in case any such lighthouse in respect of which the said master, wardens, and assistants shall take any land or ground to be held therewith under the powers of this Act, shall at any time hereafter be abandoned or given up by the said master, wardens, and assistants, or for the space of three years shall cease to be used or employed as a lighthouse, or in case the said land shall be otherwise used than for the purposes of the said lighthouse or the occupation thereof, then and in every such case any land or ground which shall have been so taken by the said master, wardens, and assistants shall vest in the person or persons who was or were proprietor or proprietors thereof at the time of the purchase by the said master, wardens, and assistants, or his or their heirs, executors, or administrators, on the repayment of the purchase-money thereof, according to the nature of his or their estate or interest in such land or ground at the time of the purchase, or the person or persons who would have been or become entitled to the said land or ground in case such purchase had not been made.

And after reciting, that it sometimes happens that fires and lights are burnt at or caused by kilns, factories, or other works situate on the coasts of the United Kingdom, so as to be mistaken at sea for lighthouses, whereby vessels navigating along or near to the said coasts are exposed to much peril, and it is expedient that a sure and speedy remedy be provided for such inconvenience :—

It is Enacted,

LXI. That if any fire or light shall at any time hereafter be burnt at or caused by any kiln, factory, furnace, forge, chimney, building, or other work, in such manner and form, or at such times, or in such place on or near to any part of the coasts of the United Kingdom, as to be subject and liable to be mistaken at sea for any lighthouse on or near to any part of such coasts for the protection and guidance of vessels, and the owner or other person having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work shall not, within a reasonable time after notice to that effect shall have been delivered to him or them, or left at such kiln, factory, furnace, forge, chimney, building, or other work, by the said master, wardens, and assistants, Commissioners or corporation, as the case may be (such reasonable time to be specified in such notice), take effectual means in order to prevent the fire or light burnt at or caused by the same from being so as aforesaid mistaken at sea for any such lighthouse, every such owner or other person so having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work so making default as aforesaid shall be deemed guilty of a common nuisance, and, over and besides all other pains and penalties by law inflicted upon persons guilty of a common nuisance, shall be subject to a penalty of 10*l.*, to be levied and recovered in a summary way before any one or more of His Majesty's Justices of the Peace acting in and for the county wherein or next whereunto such kiln or factory, furnace, forge, chimney, building, or other work, shall be situate, upon complaint to him or them in that behalf by the said master, wardens, and assistants, Commissioners or corporation, or one of their agents ; and such penalty (unless forthwith paid) shall and may be levied by distress and sale, under the warrant of such Justice or Justices, of the goods and chattels of the person who shall be adjudged guilty of such nuisance, and

shall go and be applied (after first defraying thereout the reasonable costs and charges of recovering the same) to or for the use of the parish or union where such offence shall have been committed or such default made, to be applied in aid of the poor rate of such parish or union; and if the owner or other person having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work shall still fail or neglect to abate such nuisance for and during the period of seven days next after such penalty shall have been adjudged by or before such Justice or Justices, then it shall be lawful for the said master, wardens, and assistants, Commissioners or corporation, as the case may be, their agents or workmen, thereupon forthwith to enter upon such kiln, factory, furnace, forge, chimney, building, or other work, or the land whereon or near whereto the same may be situated, and, at the expense of such owner or other person, to abate the said nuisance, or take such other convenient measures in regard thereto as to them shall seem meet, in order to prevent the fire or light from time to time burnt at or produced by such kiln, factory, furnace, forge, chimney, building, or other work from being so mistaken for any lighthouse (the said master, wardens, and assistants, Commissioners or corporation respectively, and their agents and workmen aforesaid, doing no unnecessary damage to the owner or occupier of such kiln, factory, furnace, forge, chimney, building, or other work); and the said master, wardens, and assistants, Commissioners or corporation respectively, shall and may recover the expense of so abating such nuisance, or of such other measures so by them taken in regard thereto under the authority of this Act (with treble costs of suit), in any of His Majesty's courts of record at Westminster or Dublin, or in the Court of Session in Scotland, by action of debt or on the case, against any one or more of such owners, or against the person having the care or management of such kiln, factory, furnace, forge, chimney, building, or other work; and no conviction, order, direction, or warrant made or purporting to be made by virtue of this Act shall be quashed for want of form, or be removed by certiorari or otherwise into any of His Majesty's courts of record at Westminster or Dublin, or into the Court of Session in Scotland.

LXII. That the said master, wardens, and assistants, commissioners and corporation respectively, shall within one month after the meeting of Parliament in every year lay before each house of Parliament a true account of the receipt and application of all monies which shall have been received and applied by them respectively for any such tolls in respect of any lighthouse, together with a report of the principal alterations and improvements (if any) that shall have been made by them respectively in any lighthouse in the course of the then last past year.

LXIII. That in case any suit or action shall be commenced against the said master, wardens, and assistants, Commissioners or corporation, or any other person, for anything done in pursuance of this Act, the defendant or defendants in such suit or action may plead generally that the matters complained of in and by such suit or action were done by the authority of this Act of Parliament, and may give the special matters in evidence.

LXIV. That in the provisions of this Act which relate to the purchase or vesting of lighthouses, and to the application of the purchase-money thereof, the word "lighthouse" shall be construed to include (as the case may be) lighthouse, light, or sea-mark, and all lands, buildings, fixtures, apparatus, and furniture belonging thereto and occupied therewith, and all tolls or duties or other profits or produce arising in respect of such lighthouse, light, or sea-mark, or its appurtenances and any estate or interest therein, and rent, rent-charge, annuity, payment, or incumbrance issuing thereout or charged thereon; and the words "purchase-money" shall include compensation as well as purchase-money, and whether ascertained by agreement between the master, wardens, and assistants and the party interested, or by assessment by a jury; and the word "payment" shall include all rents, rent-charges, annuities, or sums of money payable; and the word "sheriff" shall include under-sheriff or other legally competent deputy; and the word "precept" shall include "warrant;" and the word "person" shall include bodies politic or corporate; and in all other parts of this Act the word "lighthouse" shall include lighthouses, lights, sea-marks, floating lights, beacons, buoys, and other marks or signs for the sea; and the word "tolls" shall in every part of this Act include every species of duty or payment payable by the owners or masters of ships and vessels in respect of a lighthouse, floating light, sea-mark, buoy, or beacon; and the word "vessel" shall include "ship;" and the expression "officer of the Customs" shall include collector, comptroller, receiver of entries, surveyor or searcher, waiter, or any other officer of Customs of His Majesty, or his deputy or clerk; and the expression "His Majesty" shall include the heirs and successors of His Majesty; and the expression "His Majesty in council" shall mean His Majesty acting by and with the advice of his most honourable Privy Council; and the term "Lord High Treasurer" shall mean also the Lords Commissioners of His Majesty's Treasury, or any three or more of them, while that office is performed by commission; and the word "Commissioners" shall mean Commissioners of the Northern Lighthouses; and the word "corporation" shall mean corporation for preserving and improving the port of Dublin; and the word "England" shall mean England and the principality of Wales; and the word "county" shall mean any riding or other like division of a county; and in describing any persons or things any word importing the plural number shall mean also one person or thing, and any word importing the singular number shall include several persons or things; and any word importing the masculine shall include also the feminine gender; unless in any of such cases there shall be something in the subject or context repugnant to such construction.

LXV. That this Act shall be deemed and taken to be a public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE to which the foregoing Act refers.

SKERRIES.
SPURN POINT.
TINMOUTH CASTLE.
SMALLS.
LONGSHIPS.

CAP. LXXX.

AN ACT to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax and for continuing the Duties on Personal Estates, Offices, and Pensions.

(13th August 1836.)

By this Act,

Section 1., additional Land Tax Commissioners are named and appointed; and by Section 11., the powers and authorities given by 7 & 8 Geo. 4. c. 75, and several other recited Acts, are extended to such additional Commissioners.

CAP. LXXXI.

AN ACT to authorize His Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade.

(17th August 1836.)

By this Act,

1. His Majesty is empowered by orders in council, to carry into immediate execution all treaties, conventions, and stipulations made with any foreign power or state for the suppression of the slave trade, and such orders shall have the effect of Acts of Parliament.

11. This Act, and all orders in council issued under the authority thereof, shall continue in force until the expiration of six months after the commencement of the next session of Parliament.

CAP. LXXXII.

AN ACT to carry into further Execution an Act for compensating Owners of Slaves upon the Abolition of Slavery, and for completing the full Payment of such Compensation.

(17th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Surplus revenue may be issued out of growing produce for payment of slave compensation monies.*
2. *Rate of interest to be allowed to persons at the Cape of Good Hope and at the Mauritius.*
3. *Creation of stock towards providing for payment of slave compensation to persons at the Cape of Good Hope, the Mauritius, and the Virgin Islands.*
4. *Stock may be transferred or payment made to claimants at Cape of Good Hope, or Mauritius, or Virgin Islands.*
5. *Slave compensation monies in respect of litigated claims may be transferred to the Accountant General of Chancery.*
6. *Indemnification to Accountant General of Court of Chancery.*
7. *Accountant General may appoint a deputy, whose Acts shall be valid.*
8. *If any stock remaining after claims are satisfied, it may be cancelled.*
9. *Powers in recited Acts to apply to this Act.*
10. *Act may be altered this session.*

By this Act,

After reciting the passing of an Act, 3 & 4 Will. 4. c. 73, and that the sum of Twenty Millions sterling was authorized to be raised by the said recited Act for the purposes of the said Act; and part thereof has been accordingly raised, and applied to the payment of the several persons entitled to slave compensation in certain of the colonies mentioned in the said recited Act; and other part of the said sum of Twenty Millions has been provided for by the creation of certain capital stock in satisfaction of the several claims to such compensation by the persons entitled thereto in the colony of Barbadoes, in lieu of paying the same in money; and it is expedient to make provision for paying and satisfying the balance remaining due upon the said sum of Twenty Millions:—

It is Enacted,

1. That from and after the passing of this Act it shall and may be lawful for any three or more of the Lords of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, by warrant under their hands, to order and direct, from time to time, and at any time, until the whole of the said sum of Twenty Millions shall be paid and satisfied, the issuing out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the purposes of this Act,

during the quarter immediately ensuing the day to which the annual account of the receipt and expenditure of the said United Kingdom shall be made up (commencing with the annual account made up to the 5th of July 1836), the whole or any part of the one-fourth part of the sum which by every such annual account shall appear to be the surplus revenue of the said United Kingdom beyond the annual expenditure thereout, which shall be required from time to time for the purposes of this Act and the said recited Act, anything in any Act or Acts to the contrary notwithstanding; and the sum stated in every such warrant shall be forthwith issued out of the growing produce of the said Consolidated Fund to the Commissioners for the Reduction of the National Debt, upon the account standing in their names in the books of the Bank of England under the title of the "West India Compensation Account;" which said monies shall be applied by the said Commissioners, in common with the monies standing at any time on the said account, to the purposes of the said recited Act and of this Act.

And after reciting that it is enacted by the said recited Act that the said Act should come into operation in the colonies of the Cape of Good Hope and the Mauritius at periods more remote than in certain other colonies mentioned in the said Act by the following intervals of time; (videlicet,) by four calendar months in the colony of the Cape of Good Hope, and by six calendar months in the colony of the Mauritius;—

It is Enacted,

II. That the interest upon the several sums of money awarded to persons entitled to slave compensation in the colony of the Cape of Good Hope shall be after the rate of 2l. 12s. 8d. per centum per annum from the 1st of December 1834 exclusive to the 1st of December 1835 inclusive, and after the rate of 3l. 7s. 8d. per centum per annum from the 1st of December 1835 up to and including the day of the payment of the principal sum awarded, if the payment of the award shall be made in money, or up to and including the 5th of April 1836 if payment of the sum so awarded shall be made in 3l. 10s. per centum reduced annuities hereinafter mentioned from which last-mentioned day the interest or dividend upon the 3l. 10s. per centum reduced annuities hereinafter mentioned will commence; and in respect of the colony of the Mauritius the interest upon the several sums of money awarded to persons entitled to slave compensation in the said colony shall be after the rate of 2l. 12s. 8d. per centum per annum from the 1st of February 1835 exclusive to the 1st of February 1836 inclusive, and after the rate of 3l. 7s. 8d. per centum per annum from the 1st of February 1836 up to and including the day of the payment of the principal sum awarded, if the payment of the award shall be made in money, or up to and including the 5th of April 1836 if payment of the sum awarded shall be made in 3l. 10s. per centum reduced annuities, from which last-mentioned day the interest or dividend upon the said 3l. 10s. per centum reduced annuities will commence; and that all such interest as may have been paid and allowed on such claims by the Commissioners for the Reduction of the National Debt, under any directions given by the Lords Commissioners of His Majesty's Treasury previously to the passing of this Act, shall be and the same are hereby confirmed.

And after noticing that it is enacted by the said recited Act, 3 & 4 Will. 4. c. 73, that no part of the said sum of Twenty Millions sterling shall be applied or shall be applicable to the purposes aforesaid, for the benefit of any person now entitled to the services of any slave in any of the colonies therein mentioned, unless an order shall have been first made by His Majesty, with the advice of his Privy Council, declaring that adequate and satisfactory provision hath been made by law in such colony for giving effect to the said Act by such further and supplementary enactments as are therein referred to, nor unless a copy of such order in council, duly certified by one of the clerks in ordinary of His Majesty's Privy Council, shall, by the Lord President of the council, have been transmitted to the Lords Commissioners of His Majesty's Treasury or to the Lord High Treasurer for the time being, for their or his guidance or information: And that no order of the King in council has been made declaring that adequate and satisfactory provision hath been made by law in the Virgin Islands for giving effect to the said recited Act by such further and supplementary enactments as are specified in the said recited Act, and no payment of compensation for slaves in the said islands hath yet been made, and it is further expedient that provision should be made for the payment of compensation awarded in the said islands, or in the said colonies of the Cape of Good Hope and Mauritius, or any portions thereof, either in money or 3l. 10s. per centum reduced annuities: And that the sums apportioned for slave compensation to the several persons entitled thereto in the said colonies of the Cape of Good Hope, the Mauritius, and the Virgin Islands, amount together to the sum of 3,432,974l. 1d.;—

It is Enacted,

III. That, towards providing for the payment and satisfaction of such compensation as aforesaid, there shall be, immediately after the passing of this Act, written in and placed to the credit of the said Commissioners for the Reduction of the National Debt in the books of the said Bank of England, by the Accountant General for the time being of the Governor and Company of the said Bank, in a new and separate account under the title of "The Slave Compensation Account," the sum of 3,437,270l. 11s. 10d. of capital of reduced annuities, bearing interest after the rate of 3l. 10s. per centum per annum, such capital in the said annuities being equivalent to the sum of 3,432,974l. 1d. sterling, estimating the price of such 3l. 10s. per centum per annum annuities after the rate of 99l. 17s. 6d. for every 100l. of such reduced 3l. 10s. per centum per annum annuities (such price being the average price of the existing reduced 3l. 10s. per centum per annum annuities on the 30th of July 1836, being the day on which the certificates of award did commence to be issued for the said colony of the Mauritius), which capital sum of 3,437,270l. 11s. 10d. shall be added to and consolidated with, and shall be deemed and taken as part of, and be subject to all the conditions attending the reduced 3l. 10s. per centum per annum annuities existing at the time of the passing of this Act, forming part of the public debt of the United Kingdom of Great Britain and Ireland, and shall be assignable and transferrable and redeemable accordingly; and the dividends and charges of management arising upon the said capital sum of 3,437,270l. 11s. 10d. reduced 3l. 10s. per centum per annum annuities shall be chargeable and the same are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the first half-yearly payment whereof shall commence from the 5th of April 1836 exclusive; and so much money shall from time to time be set apart and issued at the receipt of the Exchequer in England, out of the Consolidated Fund of the United Kingdom, to the cashier or cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the said annuities to be created in respect of the said sum of 3,432,974l. 1d. sterling, together with the charges attending the same.

IV. That upon application to the said Commissioners for the Reduction of the National Debt for the payment of any sum

which shall hereafter be awarded to any person or persons, owners of slaves in the said colonies of the Cape of Good Hope or the Mauritius or the Virgin Islands, for slave compensation under the provisions of the said Act, the said Commissioners shall, at the option and under the directions of any three or more of the Lords Commissioners of His Majesty's Treasury, pay the same in money out of the said "West India Compensation Account," or transfer or cause to be transferred from the said account intituled "The Slave Compensation Account," to the person or persons entitled to such slave compensation, such a proportionate amount of the said reduced $3\text{L. } 10\text{s. per centum per annum annuities}$, in satisfaction of the sum awarded to such person or persons, as the whole sum of 3,432,974*l.* 1*d.* shall bear to the whole capital of the said reduced $3\text{L. } 10\text{s. per centum per annum annuities}$ to be created under the provisions of this Act.

And after reciting that the claims for slave compensation of some of the persons in the said colonies of the Cape of Good Hope and the Mauritius, and also claims in other colonies mentioned in the said recited Act, may become the subject of counter claim or litigation before the said Commissioners of Arbitration, or in the courts of the said colonies, or in any court of appeal, and it is expedient that power should be given to transfer the amount of such litigated claims to the name of the Accountant General of the Court of Chancery, to abide the final settlement of such claim;—

It is Enacted,

v. That it shall be lawful for any three or more of the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt from time to time to transfer or cause to be transferred into the name of the Accountant General of the Court of Chancery at the Bank of England such portion or portions of the said reduced $3\text{L. } 10\text{s. per centum per annum annuities}$ standing to the credit of the said Commissioners for the Reduction of the National Debt in the books of the said Bank of England under the title of "The Slave Compensation Account" as shall appertain to any claim which may from time to time be certified by the said Commissioners of Arbitration to be the subject of any counter claim before them, or of any suits in the courts of any of the said colonies mentioned in the said recited Act, 3 & 4 Will. 4, or in any court of appeal, and also to direct the payment to the account of the said Accountant General at the Bank of England, by the said Commissioners for the Reduction of the National Debt, of the amount of any interest that may have accrued and become due upon any such claims up to the 5th of April 1836, from which time the interest on the said reduced $3\text{L. } 10\text{s. per centum per annum annuities}$ is to commence and be payable, and it shall be lawful for the said Accountant General to invest the amount of any such interest in the like $3\text{L. } 10\text{s. per centum per annum annuities}$, and also to invest therein the future half-yearly dividends arising from such reduced $3\text{L. } 10\text{s. per centum annuities}$ as the same shall arise and become due; and all such reduced $3\text{L. } 10\text{s. per centum annuities}$ so transferred to or purchased by the said Accountant General may be held by him in the books of the said Governor and Company of the Bank of England in trust for the purposes of the said recited Act or this Act, and shall be liable to such and the like provisions in respect to the sale and payment of the proceeds thereof, or to the transfer thereof, by the said Accountant General, so far as regards the claims to slave compensation arising in any of the said colonies, as the $3\text{L. per centum consolidated bank annuities}$ are subject and liable to in respect of litigated claims referred to in an Act, 5 & 6 Will. 4. c. 45, intituled, 'An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery,' or in an Act, 6 Will. 4. c. 5, intituled, 'An Act for carrying into further Execution Two Acts of His present Majesty relating to the Compensation for Slaves upon the Abolition of Slavery, and for facilitating the Distribution and Payment of such Compensation.'

vi. That the said Accountant General of the Court of Chancery shall be and he is hereby indemnified and saved harmless from all or any suit or action at law or in equity for any act to be done or performed by him in carrying into execution the provisions of this Act, or in acting under the same, and shall not be held or taken to be responsible for or liable to make good any payment of money or transfer of bank annuities erroneously made by him, unless the same shall have been occasioned by the wilful default or negligence of the said Accountant General.

vii. That it shall and may be lawful for the said Accountant General of the Court of Chancery to nominate and appoint a fit and proper person to do and perform all or any of the acts and duties imposed upon the said Accountant General by this Act; and that the acts of the said deputy shall be as valid and effectual as if the same had been done by the Accountant General himself.

And after reciting that there will be a portion of the reduced $3\text{L. } 10\text{s. per centum annuities}$, created for the purposes of the said recited Act and this Act, left standing in the names of the said Commissioners for the Reduction of the National Debt, after satisfying the several claims for slave compensation in the said colonies, and also by reason of the awards for slave compensation being in many instances paid in money, and not in reduced $3\text{L. } 10\text{s. per centum annuities}$;—

It is Enacted,

viii. That it shall and may be lawful for any three or more of the Lords Commissioners of His Majesty's Treasury, from time to time, by warrant under their hands, to order and direct the said Governor and Company of the Bank of England to cancel all such portions of stock, and thereupon the dividends or interest which would have been payable on the reduced $3\text{L. } 10\text{s. per centum annuities}$ so cancelled shall thenceforward cease to be charged upon or issued out of the said Consolidated Fund; and the accrued dividends which may have been issued upon any such stock previously to the cancelling of such stock shall be paid by the Commissioners for the Reduction of the National Debt into the receipt of His Majesty's Exchequer, to be carried to and form part of the income of the Consolidated Fund.

ix. That the powers and provisions contained in the said recited Acts, 3 & 4, 5 & 6, and 6 Will. 4, shall, so far as the same may be applicable, apply to this Act in the same manner as if they had been severally re-enacted herein.

x. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

CAP. LXXXIII.—IRELAND.

AN ACT for the regulation of the Offices of Vice Treasurer and Teller of the Exchequer in *Ireland*.

(17th August 1836.)

By this Act,

After reciting the passing of 54 Geo. 3. c. 83; 56 Geo. 3. c. 98; 57 Geo. 3. c. 84; and 3 Geo. 4. c. 56; and that with a view to the advantage of the public service, it is expedient that the receipt and issue of all the monies forming the public revenues of the United Kingdom should be placed under the controul and superintendence of the Commissioners of His Majesty's Treasury, and further and more effectual regulations are therefore necessary in respect of the issue of the public monies in Ireland, and also in respect of the offices of Vice Treasurer and Teller of the Exchequer:—

It is Enacted,

I. That it shall and may be lawful for the Lord High Treasurer, or for the Commissioners of His Majesty's Treasury, for the time being, or for any three or more of them, to reduce or consolidate the offices of Vice Treasurer and Teller of the Exchequer in Ireland, and from time to time to make such orders, rules, and regulations in regard to the receipt and issue of the public monies into and from the receipt of His Majesty's Exchequer in Ireland, and also for the discharge of the duties of the said offices of Vice Treasurer and Teller of the Exchequer in Ireland, as to the said Lord High Treasurer or Commissioners of His Majesty's Treasury shall seem proper; and all such orders, rules, and regulations shall be of full force and validity in all respects, anything in any Act or Acts contained to the contrary notwithstanding.

II. That the several orders, rules, or regulations which may be issued by the said Lord High Treasurer or Commissioners of His Majesty's Treasury under the authority of this Act shall be laid before both Houses of Parliament within six weeks after the issue of such orders, rules, or regulations, if Parliament shall be sitting, or if not sitting, then within six weeks next immediately after the re-assembling of Parliament.

CAP. LXXXIV.—IRELAND.

AN ACT to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in *Ireland*, and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate.

(17th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Acts and parts of Acts repealed*; 7 Geo. 4. c. 62, 1 & 2 Will. 4. c. 51, 2 & 3 Will. 4. c. 73, and part of 4 & 5 Will. 4. c. 55, except as they repeal other Acts.—*Proviso*.
2. *Persons acting under recited Acts to continue in discharge of their duties till otherwise directed*.
3. *Whenever the survey of any barony, &c. is completed, a map to be sent to Chief Secretary of Lord Lieutenant*.
4. *Lord Lieutenant may appoint a Commissioner to value the baronies, &c. so surveyed.—Appointment to be notified to Secretary of grand jury*.
5. *Grand juries at assizes shall appoint committees of appeal for each barony, and a general committee of revision for the county*.
6. *Lord Lieutenant may appoint assessors to such committees.—Decisions of questions by committees*.
7. *Commissioners shall appoint valuers*.
8. *Lord Lieutenant may give orders as to conduct of Commissioners and valuers*.
9. *Averages at which valuations shall be made of lands*.
10. *Valuation of houses*.
11. *Lord Lieutenant may direct all houses not exceeding 5l. in annual value to be erased from lists, &c.*
12. *Outbuildings and appurtenances to be valued with the house*.
13. *Effective water power of all mills to be valued*.
14. *Commissioner of valuation shall distinguish all houses, &c. which shall be exempted from applotment, &c.*
15. *What houses, &c. exempted from applotment.—Committees of appeal and of revision to determine exemptions*.
16. *High constables, &c. to make returns to Commissioner of Valuation respecting exemptions*.
17. *Commissioner and valuers may enter any land, houses, gardens, &c. in execution of this Act*.
18. *Valuers shall enter valuation of each parish in a separate field book, and transmit the same to the Commissioner of Valuation*.
19. *Commissioner shall make out from such field books a list of the parishes, townlands, &c. and their contents and valuation, and transmit it to the high constable, with notice of the day of appeal*.
20. *High constable shall send copies to churchwardens of each parish, who shall post them on church doors, &c.*
21. *Churchwardens shall call a vestry to consider the lists, and the necessity of appealing against them*.
22. *Select vestry shall consist of persons having paid 20s. per annum to county cess, or being Justices of the Peace, or freeholders of 20l. or upwards*.
23. *If vestry agree to appeal for the parish or for any townland, a memorandum thereof and of the grounds of appeal shall be sent to the Commissioner of Valuation*.
24. *Appeal may be made against exemption or non-exemption*.
25. *How to proceed where there shall be no churchwarden*.

26. *Notice by Commissioner to secretary of grand jury, and by secretary of grand jury to committee of appeal, of day and time appointed for hearing appeals.*
27. *Meeting of committee of appeal.*
28. *Field books shall be produced before committee of appeal;—who may summon witnesses;—and examine them on oath.—Penalty for perjury.*
29. *Committee of appeal may direct re-valuation, or amend or confirm the original valuation.*
30. *Costs by parishes on appeal may be ascertained by committee, and levied as other parish rates.*
31. *Where no appeal, valuation conclusive.—Decision of committee of appeal conclusive, if Commissioner or assessor assent, otherwise to be subject to review of committee of revision.*
32. *Committee of appeal may in certain cases direct a new valuation to be made, although no appeal shall have been lodged in respect thereof.*
33. *When the valuation of any barony has been made and decided on, a list of the several parishes and the divisions of land within them shall be prepared and published.—During the period herein described, all county cess, &c. shall be levied according to the proportions therein specified.*
34. *But not to affect the relative proportion borne by such barony.*
35. *When valuation of barony is completed, Commissioner to lodge a copy of field book and a field map, in office of Treasurer of county, for public inspection.*
36. *When valuations of all the baronies in any county are completed, Commissioner shall send list thereof to secretary of grand jury, who shall summon the committee of revision.*
37. *Committee of revision may examine valuations of baronies in field books, and amend the same so as to make them just and proportionate with each other.*
38. *Committee of revision may alter the valuation of any division of a barony, as well as of the whole barony.*
39. *Fractions of a pound may be rejected from the valuation of the whole barony, &c.*
40. *When committee of revision have come to a decision the list to be signed and a copy published.—After the end of the assizes next ensuing the publication of the valuation all charges and rates shall be levied according to the proportions of that valuation.*
41. *At some assizes within three years after publication of such list and valuation grand jury to fix a time for re-assembly of committee of revision to finally amend and settle valuations.—Notice of complaints intended to be preferred thereat to be given by two persons at least thirty-one days previously.*
42. *List and valuation of the baronies, when finally settled by committee of revision, shall be published in the Dublin Gazette.*
43. *After such publication all county cess shall be levied according to the sums and proportions in such valuation.*
44. *Treasurer to furnish copies of field books and maps to persons requiring same for applotment of grand jury cess.—Such field books and maps not to be conclusive in respect to such applotment.*
45. *Salary to Commissioners of Valuation.*
46. *Lord Lieutenant may order an allowance for travelling expenses to Commissioner of Valuation in addition to his salary.*
47. *Lord Lieutenant may advance money out of Consolidated Fund.—Sums paid to Commissioner and valuers to be repaid by presentment.*
48. *Construction of terms.*
49. *Commissioner of Valuation to transmit statements of progress.*
50. *Penalty on high constable, churchwarden, Commissioner, &c. neglecting their duty in execution of this Act.*
51. *When the boundary surveyors, &c. shall find any detached portion of any one county situate within or surrounded by other counties, &c. they shall report same to Lord Lieutenant in council.—Lord Lieutenant in council shall order the annexation of such detached portions.*
52. *What such order of the Lord Lieutenant, &c. in council shall contain.—Order to be published in Dublin Gazette, and copies thereof delivered to surveyors and lodged with clerks of the peace for the counties to which same shall relate.*
53. *Lord Lieutenant in council empowered to make a supplemental order.*
54. *Provision for counties or baronies of which the general or boundary survey shall have been completed before the passing of this Act.*
55. *Penalty on persons displacing marks, &c. or obstructing surveyors, &c.*
56. *No order to affect the boundaries of land with respect to any right or interest therein, or any proceeding in law or equity instituted previous thereto, nor any description in any deed.*
57. *Penalties may be recovered before two Justices of the Peace.—Application of penalties.*
58. *Form of conviction.*
59. *Persons aggrieved by conviction may appeal to Quarter Sessions, giving ten days notice and security.—Costs of appeal recoverable by distress.*
60. *Proceedings not to be quashed for want of form.*
61. *Limitation of actions.—Notice.—Tender of amends.—Venue.—General issue.—General avowry in replevin.*

By this Act,

After reciting that it is expedient to repeal the several Acts for the uniform valuation of lands and tenements in Ireland, in order that the provisions thereof may be amended and consolidated:—

It is Enacted,

I. That, save as is hereinafter excepted, the following Acts and parts of Acts be repealed; (that is to say,) the 7 Geo. 4. c. 68; 1 & 2 Will. 4. c. 51; 2 & 3 Will. 4. c. 73; and so much of 4 & 5 Will. 4. c. 55. as relates to the uniform valuation of lands and tenements in Ireland; and the said several Acts and parts of Acts are hereby repealed, save so far as they repeal any other Act or part thereof: Provided nevertheless, that all acts, matters, and things heretofore done under the provisions of the said Acts, or any of them, hereby repealed, shall be and remain valid and effectual to all purposes whatsoever; and that any valuation made or in progress under the provisions of the said Acts shall be deemed and taken to be a valuation made by authority of this Act; and that all proceedings had or taken in or towards making the valuation prescribed by the said Acts shall enure to the purposes of the valuation prescribed by this Act, and be taken to be good, valid, and effectual as if done for the purpose of the valuation prescribed by this Act and under the authority hereof, subject nevertheless to the provision hereinafter contained for the amendment of the valuation made or in progress under authority of the said repealed Acts.

II. That the Commissioner of Valuation and other persons heretofore appointed or acting under the said recited Acts, or any of them, in any county, shall be and they are hereby authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute their several duties and offices, for the purpose of carrying this Act into execution, without any further or other appointment thereto, until the Lord Lieutenant of Ireland shall otherwise direct.

III. That whenever the survey of any county or of any barony of a county liable to be separately assessed to raise and pay any proportion of county cess charges and grand jury rates, now and heretofore in progress, shall have been made and completed under the direction of the officers appointed by the Master General and Board of Ordnance, a map or plan of such barony shall be transmitted by some such officer to the Chief Secretary of the said Lord Lieutenant, from time to time when and as any such survey shall have been or shall be made and completed, or when and as any such map or plan shall be required by such Chief Secretary to be transmitted as aforesaid.

IV. That at any time after the receipt of any such map or plan it shall and may be lawful for the said Lord Lieutenant to nominate and appoint one fit and proper person to be Commissioner for the several counties in Ireland, to be called the Commissioner of Valuation for such counties, who shall hold such office during the will and pleasure of the said Lord Lieutenant, and who shall repair to any county, and make a valuation of the houses and lands within every barony, parish, or other division in such county of which any such map or plan shall have been made and delivered as aforesaid, and shall proceed in such valuation at such times and in such manner and under such regulations as such Lord Lieutenant shall order, direct, and appoint; and the said chief secretary shall notify or cause to be notified in writing to the secretary of the grand jury of every such county the appointment of such Commissioner of Valuation, and such secretary shall lay such notification before the grand jury of such county at the next ensuing assizes.

V. That at the next ensuing assizes after the receipt of the notification of the appointment of such Commissioner of Valuation (or at any succeeding assizes, if need be), the grand jury of such county shall nominate and appoint committees for the several baronies within every such county respectively, each consisting of not less than three nor more than five of such grand jurors or persons who have served upon grand juries, together with any number of Magistrates, not more than five, resident within such county, each to be called a Committee of Appeal on Valuations for the barony or baronies to be named and appropriated to each committee; and every such committee shall sit and meet within the barony or baronies for which such committee shall be appointed, at such times as shall be required for the execution of the purposes of this Act; and such grand jury shall also in like manner nominate and appoint one general committee, to consist of not less than seven nor more than twelve persons who have served on grand juries or who are Magistrates resident within such counties, to be called a Committee of Revision of Valuations for the county; and such committees shall sit and act under the directions of this Act; and when it shall happen that any such committee of appeal or committee of revision respectively shall not have assembled, or shall not have received notice to assemble, at any time previous to the assizes next ensuing such their appointment respectively, the grand jury at such next ensuing assizes shall nominate and appoint a committee or committees of appeal and a committee of revision, as the case shall require, either by reappointment of the former members or any of them, or by the appointment of any other person or persons, to be members of such committees respectively; and the appointment of such committees shall be made, and lists thereof respectively shall be delivered by such grand jury to the Court, before any presentment for any road or bridge shall be filed by the Judge at any such assizes.

VI. That it shall be lawful for the said Lord Lieutenant, on the application of any such Commissioner, or when it shall seem expedient to him so to do, to appoint any practising barrister to be an assessor to any such committee, either to assist such Commissioner, or in the place and instead of such Commissioner; and such Commissioner, or in his absence such assessor, shall attend and act as chairman of such committee of appeal or revision; and such committee so constituted shall decide on all questions which shall come before them by a plurality of voices; and in case any such committee shall be equally divided, the Commissioner of Valuation, or in his absence the assessor, being such chairman, shall have the casting voice.

VII. That it shall be lawful for the Commissioner of Valuation who shall be appointed under this Act to nominate and appoint any number of persons, conversant and professionally employed in surveying and valuing land and houses, or in cases of towns in valuing of houses only, to be valuers, and to remove all or any such valuers from time to time, and to nominate any other person or persons to be a valuator or valuers in the place and stead of the person so removed; and previously to the appointment of any person to be a valuator such Commissioner shall, in company with such person, perambulate the whole or any part of a barony, in order fully to ascertain his competence for acting as such valuator.

VIII. That it shall be lawful for the said Lord Lieutenant to give such orders, instructions, and directions for the conduct of the said Commissioner or Commissioners and valuers respectively, and for the employment of such clerks or other persons, in the discharge of their several duties under this Act, as to such Lord Lieutenant shall from time to time seem fitting and expedient for the due execution of this Act.

IX. That the valuation of all lands for the purposes of this Act shall be made with reference to the average prices as herein-after specified of the several articles following: (that is to say.)

Wheat at the general average price of ten shillings per hundred weight of one hundred and twelve pounds:

Oats at the general average price of six shillings per hundred weight of one hundred and twelve pounds:

Barley at the general average price of seven shillings per hundred weight of one hundred and twelve pounds:

Potatoes at the general average price of one shilling and sevenpence per hundred weight of one hundred and twelve pounds:

Butter at the general average price of sixty-nine shillings per hundred weight of one hundred and twelve pounds:

Beef at the general average price of thirty-three shillings per hundred weight of one hundred and twelve pounds:

Mutton at the general average price of thirty-four shillings and sixpence per hundred weight of one hundred and twelve pounds:

Pork at the general average price of twenty-five shillings and sixpence per hundred weight of one hundred and twelve pounds.

X. That for the purposes of this Act all houses comprised in the valuation hereby directed to be made shall be valued at the sum or rent for which each such house could be let by the year, deducting therefrom one-third part of such sum or rent: Provided always, that no house for which a greater sum or rent by the year than 5*l*. could not be obtained shall be included in the said valuation.

And after noticing that in the valuation heretofore made under the authority of the several Acts hereby repealed houses of an annual value exceeding 5*l*. have been included, and it is expedient that such valuation should be amended in that respect:

It is Enacted,

XI. That the said Lord Lieutenant shall and may, when he shall so think fit, authorize and direct the Commissioner of Valuation by whom any such valuation may have been made to deduct and erase from the several maps, field books, and lists all houses which shall therein therein appear to be of an annual value not exceeding 5*l*.; and such maps, field books, and lists so amended shall be of the like validity and effect as the same now are, and as if such houses had never been included therein: Provided always, that no levy nor assessment made previous to such amendment shall be impeached by reason of houses of an annual value not exceeding 5*l*. having been included in the valuation with reference whereunto such levy or assessment may have been made.

XII. That all outbuildings, barns, stables, warehouses, yards, and offices belonging or contiguous to any house, and occupied therewith by one and the same person or by the same persons, or his or their servants, as one entire concern or undivided tenancy or holding, shall be valued together with such house, and be deemed and taken to be parcel thereof.

XIII. That all flour, corn, flax, or other mills, or buildings erected for manufacturing or other purposes, shall be included in such valuation; provided that the water power of any such mill or manufactory be only valued so far as it may be actually used, and that such valuation shall not extend to or include the value of any machinery contained within such mill or manufactory.

XIV. That in making out the lists or tables of valuation hereinafter mentioned of the several parishes within each barony, and of the townlands or other sub-denominations or divisions of land within every such parish, as hereinafter specified, the Commissioner of Valuation shall distinguish all houses, lands, or tenements of a public nature, or used for charitable purposes, and the value of the same shall be deducted from the gross amount of the valuation of the houses, lands, and tenements comprised in each such list or table; and all such houses, lands, or tenements so distinguished and deducted shall be exempt from apportionment or assessment for or towards all county cess charges and parish rates whatsoever so long as they shall continue to be of a public nature or used for charitable purposes; and the lists, tables, or valuations so reduced shall be and be deemed to be the lists, tables, or valuations whereby all grand jury and parish rates shall be assessed and levied as hereinafter provided.

XV. That no houses, lands, or tenements shall be deemed to be of a public nature or used for charitable purposes within the meaning of this Act unless such houses, lands, or tenements shall be altogether of a public nature or used exclusively for charitable purposes: Provided nevertheless, that the Committee of Appeal and Committee of Revision respectively in each county shall, as hereinafter provided, have power and authority to consider and determine the justice and propriety of all such exemptions, and to make order allowing or disallowing the same accordingly.

And in order to ascertain the houses, lands, and tenements exempt from assessment as aforesaid:

It is Enacted,

XVI. That the several high constables or other collectors of county cess in every county shall, with all convenient speed after the same shall have been demanded of them, make out and deliver to the Commissioner of Valuation for such county a return of the several houses, lands, and tenements which are altogether of a public nature or used exclusively for charitable purposes within their respective districts of collection; and such return shall specify the tenancy and occupation in which each of such houses, lands, or tenements may be or have been held, and the use or purpose to which applied, and shall describe the situation thereof as fully and accurately as may be possible; and in case any high constable or collector shall neglect to make such return as aforesaid, or make the same in an improper or insufficient manner, it shall not be lawful to or for the grand jury of the county for which he may act to present any fee or salary for such high constable or other collector at the assizes next ensuing such neglect or default.

XVII. That it shall and may be lawful for any Commissioner appointed or continued under this Act, and for any valuator or valutors appointed under this Act, from time to time to enter into and upon any land or house for the purpose of making and carrying on any valuation authorized by this Act: Provided always, that in every case in which it shall be necessary for any such Commissioner or valuator to enter any house, or any walled garden or orchard or pleasure ground, and when the owner or occupier thereof may oppose or refuse to allow such entry, such Commissioner or valuator shall give three days notice to the owner or occupier of such house, garden, orchard, or pleasure ground, requiring to be permitted to enter the same; and at any reasonable time after the delivery of such notice it shall be lawful to make such entry; such Commissioner and valutors doing as little damage as may be in the execution of the powers to them granted by this Act, and making reasonable satisfaction (if required) to the owners of and other persons interested in any such houses, lands, gardens, orchards, or pleasure grounds which shall or may be any way hurt or damaged in or by the execution of any of the powers of this Act; and this Act shall be sufficient to indemnify such Commissioner and valutors and all persons acting in aid or under the orders of any of them in the execution of this Act.

XVIII. That the said valuator shall enter the particulars of the valuation of each and every parish, and of each and every townland within the same, when and as each such valuation shall be completed, in a separate and distinct field book, to be appropriated to each and every such parish respectively, and to be distinguished and entitled as the survey and field book of each such particular parish respectively, distinguishing the barony in which such parish shall be situate, and also distinguishing the several townlands within such parish, and the value of each thereof respectively; and such valutors shall sign every such book with their several names, in their several and respective handwritings, with the date of completing such valuation; and

such valuers shall transmit or deliver every such field book of every such parish, so signed, to the Commissioner of Valuation for the county in which every such parish shall be situate.

XIX. That when and so soon as the valuation of all the parishes within any barony shall be completed, the Commissioner of Valuation shall prepare and make out from such field books as aforesaid a list or table of the several parishes within such barony, and of the townlands within every such parish respectively, distinguishing the number of acres contained in every townland within such parish, and the total value of the land and houses in every such parish respectively, according to the survey thereof and of the valuation thereof made in pursuance of the directions of this Act; and such Commissioner of Valuation shall transmit printed copies of such list, in the form set forth in the Schedule No. 1. annexed to this Act, to the high constable or other collector of the county cess or grand jury rate in or for the barony, and shall at the foot of such list specify the day and place appointed by such Commissioner of Valuation for the meeting of the committee of appeal, and which day shall not be sooner than six weeks after the day of the transmission of such list to such high constable.

XX. That every high constable or collector to whom any such list shall be transmitted as aforesaid shall transmit copies of each such list to the churchwardens or churchwarden of every parish within such barony; and every such churchwarden within ten days after the receipt of such list shall post and affix a copy thereof on the principal outer door of the church and of any one Roman Catholic chapel, and of any one Presbyterian meeting house within such parish, there to remain affixed for two successive Sundays after the affixing thereof; and if any such copy of any such list shall be removed from the church or other place where the same shall have been posted or affixed as aforesaid, or shall be destroyed or defaced at any time within fourteen days after the affixing the same, the churchwardens or churchwarden shall post and affix, or cause to be posted and affixed, a new copy of every such list on the door of such church, chapel, or meeting house respectively, and so from time to time when any such copy shall be so destroyed or defaced.

XXI. That within ten days next after the receipt of the copy of any such list as aforesaid public notice shall be given by the churchwardens or churchwarden in the usual manner of notices given for holding vestries in such parish, that a select vestry will be holden in and for such parish on some day to be named in such notice, not being less than ten days nor more than fourteen days from the Sunday on which any such list shall have been first affixed on the door of the church and other place or places of public worship in such parish, for the purpose of taking such list into consideration, and to determine on the necessity or propriety of appealing against such list; and such vestry so assembled shall proceed to take such list into consideration, and may adjourn from time to time to any day not more than ten days distant from the first day of meeting.

XXII. That no person shall be admitted or entitled to attend or to vote at any such select vestry to be holden for the purposes last aforesaid, except such persons as are hereafter described, (that is to say) such persons as shall have actually paid and satisfied county cess charges or grand jury rates for lands or tenements in such parish to the amount of 20s. within twelve calendar months next preceding the day of holding any such vestry, and persons who shall be Justices of the Peace, qualified to act as such within such parish, and persons seised respectively of freehold estate, situate within such parish of the value of 20l. or upwards, (not arising from a rent charge,) and duly registered as such under any Act or Acts in force relating to the election of members of Parliament in Ireland, and of which registry such persons shall produce a certificate signed by the clerk of the peace; and if any person shall attend or vote, or shall claim or offer to attend or vote at any such select vestry, not being qualified in such manner as is hereinbefore stated, every such person shall for every such offence forfeit the sum of 10l.

XXIII. That if on the first day of the meeting of such vestry, or at any adjourned meeting of such vestry which shall be held on any day not more than ten days distant from such first day of meeting, it shall be determined that an appeal shall be made against any valuation contained in such list in respect of the valuation of the whole of such parish as compared with any other parish within the barony, or if it shall appear to such vestry that the owners or occupiers of the greater portion in extent and value of lands situate in any townland within the parish in which such vestry shall be held shall be desirous of appealing against the valuation of any such townland as compared with that of any other townland or townlands within the said barony, it shall be lawful for such vestry to direct that such appeal shall be made by such vestry on behalf of such parish or by certain persons to be named at such vestry on behalf of the owners or occupiers of land within any such townland as aforesaid; and a memorandum of the agreement to make such appeal, or some minute or entry of the same, and of the grounds of such appeal, shall be stated in writing, and shall be entered in the books of such vestry, or in some book to be kept for that purpose, and shall be signed by the chairman of such vestry and four other persons present at such vestry; and a copy of the memorandum of such agreement and the grounds of such appeal shall be transmitted by the chairman of such vestry within two days after such meeting to the Commissioner of Valuation for the county in which such parish shall be situate, and shall be held to be sufficient notice on the part of such parish or townland of their intention to appeal.

XXIV. That it shall and may be lawful for any select vestry to appeal against any valuation contained in any table or list or against the formation of any table or list prepared under authority of this Act, on the ground of any houses, lands, or tenements having been improperly considered as of a public or charitable nature, and distinguished or deducted from any list or valuation accordingly, whether such houses, lands, or tenements be situate in the parish wherein such vestry may be holden, or in any other parish of the same barony; and that such appeal shall be determined upon, and a memorandum of the agreement so to appeal made, and like notice thereof given, as in case of appeal on any ground whereupon it may be lawful to appeal by virtue of the provisions of this Act.

XXV. That in any parish or place in which there may be no churchwarden or churchwardens, the high constable shall transmit copies of the valuation list to some two landholders resident within such parish or division, who shall post the same in like manner as the churchwardens of any parish have been hereinbefore required to do, and shall summon a special vestry to meet for the consideration of such list, at some convenient time and place within such parish or place, and notify the time and place appointed for the meeting of such vestry by notices to be posted in like manner as the said lists are hereinbefore directed to be posted; and the special vestry so summoned shall have all such power and authorities in respect of such lists, and appealing against the same or any part thereof, and shall be constituted in like manner and subject to the like rules and regulations, as any special vestry summoned by any churchwardens for the purposes of this Act.

xxvi. That the Commissioner of Valuation by whom such list of the valuations of the several parishes and townlands in any barony of any county shall be transmitted to the high constable or collector, as by this Act is required, containing such notice of the day and place appointed by such Commissioner for the hearing appeals against any valuation specified in such list shall within seven days next after the transmitting such list to such high constable or collector, give and transmit notice in writing to the secretary of the grand jury of such county of the day and place so appointed for the hearing of such appeals; and such secretary of the grand jury shall give notice of the day and place so appointed for the hearing of such appeals by letters addressed to each and every of the persons who shall have been nominated and appointed by the grand jury, in pursuance of this Act, to be the committee of appeal against valuations in and for such barony; and such secretary of the grand jury shall also give notice of such day and place of meeting, by an advertisement to be inserted in some public newspaper usually circulated in such county, in some publication of such newspaper fourteen days at least before the day appointed for such meeting.

xxvii. That it shall be lawful for such committee of appeal to assemble, at the day and place appointed, for the hearing of all appeals of which such notice shall have been given as aforesaid, and that such place shall be the usual place of holding sessions of the peace within the barony, unless some other place shall be specially appointed in the notice for the sitting of such committee of appeal and for the hearing such appeals; and it shall be lawful for such committee of appeal to adjourn from time to time as they shall see fitting and convenient.

xxviii. That the Commissioner of Valuation shall produce or cause to be produced before such committee of appeal all or any of the field books which shall have been transmitted to such Commissioner from the valutors of any parish, in case the same shall be required by such committee; and it shall be lawful for such committee of appeal to send their precept or precepts, under their hands and seals, or the hands and seals of any two of them or under the hand and seal of the Commissioner of Valuation, or, in his absence, of the assessor to be appointed as aforesaid, to any person or persons whomsoever, to attend and appear and be examined before such committee of appeal; and all and every person or persons who shall be called upon or summoned by any such precept, shall and they and he are and is hereby required and directed to attend such committee of appeal at such time and times and place and places as shall be appointed; and it shall be lawful for such committee of appeal, or any member thereof, and they and he is and are hereby authorized and empowered, to examine any such person or persons upon oath (or affirmation in the case of Quakers), and such committee, or any member thereof, (three or more of the members of such committee being present,) shall and may and are and is hereby authorized and empowered to administer such oath or affirmation to any person or persons respectively; and all and every such persons or person shall answer upon oath or affirmation as aforesaid to all questions which shall be put to them by such committee, or any member thereof; and if any person or persons shall, upon his, her, or their examination before such committee, wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as by any law in force and effect in Ireland persons guilty of perjury are subject and liable to.

xxix. That if upon the hearing of such appeal it shall appear to such committee of appeal that there is any just cause of complaint against such valuation, or any part thereof, either by reason of the disproportion of the valuation of any parish or townland as compared with the valuation of any other parish or townland, or by reason of the valuation not having been made with reference to the standards fixed for such valuation by this Act, or on any other account whatsoever, it shall be lawful for such committee of appeal, if they shall think fit, to alter or amend such valuation, or if they shall consider a new valuation to be necessary, to direct that a new valuation shall be made of any parish or townland or parishes or townlands contained in such valuation, by some valuator or valutors, not being the same who were employed or engaged in making the valuation appealed against; and such committee shall order that such new valuation shall be made and produced before such committee on a day to be appointed for that purpose by the said committee, to which day it shall be lawful for such committee of appeal to adjourn accordingly; and at such adjourned meeting of such committee of appeal it shall be lawful for the said committee of appeal, and they are hereby authorized and required, to compare such new valuation with the former valuation of the same parish or townland or parishes or townlands appearing in the field books made on the first valuation thereof respectively, and to make such alterations or amendments in the amount of such first valuation, or otherwise to confirm the same, in such manner as to such committee of appeal shall appear to be consistent with the justice of the case.

xxx. That it shall be lawful for such committee of appeal to ascertain and allow the amount of any costs incurred by or on behalf of any parish in the bringing and hearing of any such appeal; and the amount of all such costs so ascertained and allowed shall be assessed and apportioned by the churchwardens or churchwarden of such parish, either on the inhabitants of the whole of such parish, or on the inhabitants of any townland or townlands within such parish in respect of which such appeal shall have been made, and shall be levied on such inhabitants in like manner and in such proportions as any assessment or apportionment on any such inhabitants in respect of any church rates or other parish charges may be assessed, apportioned, and levied.

xxxi. That where no appeal shall have been made to such committee of appeal against any such valuation within the time directed by this Act, such valuation, as stated in the list prepared by the Commissioner of Valuation under the directions of this Act, shall be conclusive; and that, in case of appeal, the decision of such committee of appeal shall be conclusive in all cases where such decision shall be concurred in and approved of by the Commissioner of Valuation, or, in his absence, by the assessor to be appointed as aforesaid, and sitting as chairman of such committee of appeal: Provided always, that in case it shall happen that such Commissioner of Valuation or assessor respectively, sitting as such chairman as aforesaid, shall disagree from the decision of such committee of appeal, it shall and may be lawful for such Commissioner or assessor to submit such decision to the committee of revision for such county, at the time when the valuation of all the baronies within the county shall be submitted to the review of such committee of revision in manner hereinafter mentioned; but until the decision of such committee of revision shall have been obtained, the valuation determined on by the majority of the committee of appeal shall be acted on in the same manner as if such appeal to the committee of revision had not been made by the Commissioner of Valuation or his assessor.

xxxii. Provided, that where an appeal shall have been made to any committee of appeal, under the provisions of this Act, by or on behalf of any parish, or the owners or occupiers of land within any townland of any parish, against the valuation or any part of the valuation of the same or of any other parish or townland or townlands within the same barony, and it shall appear

to such committee of appeal that just cause has been shewn to warrant such committee to direct that a new valuation shall be made of any such parish or parishes, townland or townlands in respect of or on behalf whereof such appeal may have been made, then and in such case it shall and may be lawful for the said committee of appeal, with the consent of the Commissioner of Valuation for such county, or of his assessor, to direct that a new valuation shall in like manner be made of any other parish or parishes, townland or townlands, within the same barony, the valuation whereof shall appear to the said committee to have been defective or erroneous in the same respects or to which the same ground of appeal may appear justly applicable, although no such appeal shall have been made in respect of or on behalf of such other parish or parishes, townland or townlands.

XXXIII. That when and as the valuation of any barony within a county shall have been made by such valutors, and transmitted to the Commissioner of Valuation and decided on by the committee of appeal, the said Commissioner of Valuation shall prepare and make out, in the form of the Schedule (No. 1.) to this Act annexed, a list or table of the several parishes within such barony, and of the several townlands within each such parish, distinguishing the number of acres contained in every such parish and townland, and the value of the lands and houses in each such parish or townland respectively, according to the survey and valuation thereof so decided upon; and each such list or table shall be signed by the said Commissioner of Valuation or his assessor, and three members of the said committee of appeal, and shall be transmitted, so signed, to the chief secretary of the said Lord Lieutenant, and a copy thereof shall be published in some newspaper circulated in the county to which such valuation shall relate; and from and after the end of the assizes next ensuing the day of such publication, and until the end of the assizes next ensuing the day on which the list and valuation of all the baronies within the same county, as completed and agreed on by the first or preliminary committee of revision appointed under the provisions of this Act, shall have been published but no longer, all grand jury rates, and the usual and accustomed proportion of all county cess charges whatsoever, imposed or to be imposed on such barony by presentments of the grand jury, or to be raised off such barony or any parish and division thereof, and all parish rates imposed or to be imposed or levied off any parish or townland of such barony, under the authority of any law or statute, shall be assessed and levied off such barony, and off every parish and townland therein, according to the proportions specified in such list and valuation so signed and published as hereinbefore directed.

XXXIV. That the publication of the list and valuation of any barony, by order of the committee of appeal under the provisions of this Act, shall not alter or affect the relative proportion of county cess or charges which by any laws or usage may be or have been borne by such barony as compared with any other barony or baronies.

XXXV. That when and so soon as the valuation of all the parishes within any barony shall be completed, the Commissioner of Valuation shall make out a copy of the field book of each parish, and shall make out a field map shewing the several portions of land which may have been separately valued, and distinguishing and numbering the same so as to correspond with the said field book; and the said Commissioner shall deliver such copy of the field books and maps, attested by his signature, to the treasurer of the county, who shall keep the same in his office, there to remain open to public inspection; and any owner or occupier of land within such parish shall be at liberty to make copies or extracts therefrom without fee or reward.

XXXVI. That when and so soon as the valuation of all the baronies within any county shall have been made by such valutors as aforesaid, and transmitted to the Commissioner of Valuation, and decided on by such committee of appeal, the said Commissioner shall prepare and make out a list or table, in the form contained in Schedule (No. 2.) to this Act annexed, of all the several baronies within such county, specifying the number of acres within each such barony according to the survey made thereof by the officers of Ordnance, and the total value of the land and houses in such barony according to the valuation thereof by such valutors pursuant to the directions of this Act, and shall transmit a copy of such list or table, signed by such Commissioner, and dated on the day of the transmission thereof, to the secretary of the grand jury of such county, and shall at the foot of the copy of such list specify the day appointed by such Commissioner of Valuation for the meeting of the first or preliminary committee of revision of the said county at the county court-house of the said county, for the revision of the valuation of the said baronies, which day shall not be sooner than eight weeks next after the date of the copy of such list signed by such Commissioner; and such secretary of the grand jury shall give notice of the day and place appointed for the revision of such list, by letters addressed to each and every of the persons who shall have been nominated and appointed by the grand jury in pursuance of this Act to be the committee of revision for such county; and such secretary of the grand jury shall also give notice of such day and place of meeting of such committee of revision, by an advertisement to be inserted in some public newspaper usually circulated in such county, in some publication of such newspaper six weeks at least before the day appointed for such meeting.

XXXVII. That at the day appointed for the meeting of such committee of revision the members of such committee of revision together with the Commissioner of Valuation, or his assessor, shall meet together in the court-house of such county, and shall there proceed to inquire and consider and determine whether the several baronies of the said county have been equally and properly valued, pursuant to the directions of this Act, with reference to the standards fixed for such valuation by this Act, and also with reference to the respective valuations of the several baronies as compared with each other; and the said Commissioner of Valuation shall produce or cause to be produced before the said committee of revision, if they shall require the same, all the field books containing the valuation of the several parishes within the several baronies of the said county, and such field books shall and may be consulted, perused, and examined by the said committee of revision, or any member thereof; and if upon such examination or otherwise it shall appear to such committee of revision that any excessive or defective valuation has been made of any barony, or that the standard required by this Act has not been adhered to in such valuation, or on any other account whatsoever, it shall be lawful for such committee of revision to correct any errors which may appear to them upon examination and inquiry to have been made in such valuations, so as to make the valuation of the respective baronies just and equal and in due proportion with each other; and it shall be lawful for such committee of revision to adjourn from time to time as they shall see fitting and convenient.

XXXVIII. That when any such committee of revision shall think fit to alter the amount of the valuation of any barony, as compared with any other barony, it shall and may be lawful for them to alter the amount of the valuation of any parish or parishes, townland or townlands of such barony, in such manner and to such extent as the said committee shall think just with regard to the reason or principle on which the gross amount of the valuation of such barony may have been altered by them.

XXXIX. That all fractional parts of a pound sterling may be rejected from the total value of any barony, parish, manor, or other denomination, as stated in any list and valuation prepared under the authority of the said Acts or this Act, for the purpose of computing the proportions in which the same shall be respectively rated.

XL. That when the committee of revision shall have come to a decision the list of the several baronies and the valuation thereof, as confirmed or amended, shall be signed by the Commissioner of Valuation or by the assessor, and by three at least of the members of the said committee of revision appointed by the grand jury, and a copy thereof, according to the form (No. 3.) of the Schedule to this Act annexed, or in such other form as shall be approved of by the Judge and grand jury at any assizes to be holden for such county, shall be published in some public newspaper circulated in the county to which such list and valuation shall relate; and from and after the end of the assizes next ensuing the day on which such list and valuation so signed shall be published as aforesaid, all county cess and charges whatsoever, and all grand jury rates, imposed or to be imposed on any such county by presentments of the grand jury, or to be raised off such county, or any barony, parish, or townland thereof, and all parish rates imposed or to be imposed or levied or to be levied under the authority of any Act or Acts of Parliament, shall be assessed and levied off such county, and off every barony, parish, or townlands therein, according to the proportions specified in such list and valuation so published, until and unless the same shall be revised or altered by a committee of revision re-assembled as hereinafter provided, and no longer.

XLI. That at some assizes within three years next after the publication of such list and valuation of all the baronies of each county the grand jury shall nominate and appoint a time for the re-assembly of the committee of revision of such county, and the secretary of the grand jury shall give notice of the time appointed for such re-assembly of the committee of revision in like manner as he is required to give notice of the first meeting of such committee; and at the time so appointed the members of such committee of revision, together with the Commissioner of Valuation or his assessor, shall meet in the court-house of such county, and shall there and then inquire into and determine all such complaints as shall be made against the said valuation or any part thereof; and it shall be lawful for the said committee to revise and amend such valuation as to them may seem just, or to direct a new valuation when the same shall appear necessary, and to adjourn from time to time; and the valuation, as confirmed or amended and finally agreed on by such committee, shall be in the place and stead of the former valuation so published, and of like force and effect: Provided always, that notice in writing of any complaint which it is intended to prefer to the said committee so re-assembled shall be given to the Commissioner of Valuation of such county or to the secretary of the grand jury, who shall forward the same to the said Commissioner, at least thirty-one days before the time appointed for the re-assembling of such committee; and that such notice shall be subscribed by at least two persons each paying grand jury cess to the amount of 40s. or by at least two persons having each a freehold or leasehold estate in lands or tenements of the annual value of 20l. or upwards and situate in such county.

XLII. That when the committee of revision so re-assembled shall have come to a final decision the list of the several baronies, and the valuation thereof as confirmed or amended and finally agreed on by such committee of revision so re-assembled, shall be signed by the Commissioner of Valuation or by the assessor and by three at least of the members of such committee of revision; and a copy thereof, according to the form contained in No. 3. of the Schedule to this Act annexed, or in such other form as shall be approved by the Judge and grand jury at any assizes to be holden for such county, shall be transmitted to the chief secretary of the Lord Lieutenant, and he shall cause the same to be published in the *Dublin Gazette* within thirty-one days next after he shall have received such list so signed by such Commissioner and committee or three members thereof; and the secretary to the grand jury shall also cause such list to be published in some public newspaper circulated in the county to which such list and valuation shall relate; and the several field books and other documents shall be transmitted by the Commissioner of Valuation to the office of the chief secretary to the Lord Lieutenant of Ireland in Dublin Castle, to be there arranged and kept as may be most for convenience and security; and a copy of such field books shall be furnished by such Commissioner of Valuation to the treasurer of the county.

XLIII. That from and after the end of the assizes next ensuing the day on which such list and valuation so signed and settled by the said committee of revision so re-assembled as aforesaid shall be published in the *Dublin Gazette*, all county cess charges whatsoever and all grand jury rates imposed or to be imposed on such county by presentments of the grand jury, or to be raised off such county, or any barony, parish, or townland thereof, and all parish rates imposed or to be imposed or levied or to be levied under the authority of any Act or Acts of Parliament, shall be assessed and levied off such county, and off every barony, parish, or townland therein, according to the proportions specified in such list and valuation so published, and not otherwise; any law, usage, or custom, or any former assessment or valuation, to the contrary in anywise notwithstanding.

XLIV. That the treasurer of each county shall furnish copies of such field books, as and when the valuation therein contained shall have been confirmed or amended and finally agreed on by the said committees of appeal and revision respectively of such county in manner by this Act provided, and of such field maps, marked and numbered to correspond with such field books, to any person or persons requiring the same for the applotment of grand jury cess, and such copies shall be prepared under such regulations as the grand jury of such county shall fix and determine; and they shall present, to be raised off the townland or other denomination of land to which such copies shall relate, the expense of making the same: Provided always, that such field books and field maps shall not be conclusive in respect to such applotment, but that such applotment shall be varied from time to time when and as to the applotters may seem just and necessary with regard to the value of the lands and premises subject to such applotment at the time of making the same.

XLV. That it shall and may be lawful for the Lord Lieutenant to order and direct that a salary, at the rate of not more than 500l. by the year, shall and may be paid to any person who shall be appointed Commissioner of Valuation, and to each and every person who shall be continued as a Commissioner of Valuation under the authority of this Act, during the time he shall be so employed.

And after reciting that it is expedient, for the more complete uniformity of the said valuation, that the same should be carried on under the control and direction of a single Commissioner of Valuation, and the salary of 500l. per annum is an insufficient remuneration for a person appointed to act as such Commissioner in many counties:

It is Enacted,

XLVI. That in addition to the said salary of 500*l.* per annum it shall and may be lawful for the said Lord Lieutenant, at his discretion, to order and direct such allowance for travelling and other expenses, not exceeding 1*l.* 1*s.* per day for every day during which such Commissioner shall be engaged in the business of such valuation, as to the said Lord Lieutenant shall seem proper; and that every valuator or other person who shall be appointed under the authority of this Act shall receive and be entitled to receive for his trouble any sum of money or allowance not exceeding the rate of 20*s.* for every day during which any and every such person shall be employed by or engaged under the orders of such Commissioner of Valuation, upon a certificate, to be signed by such Commissioner, that such person was so employed for the number of days to be stated in such certificate, and that such person diligently conducted himself in the execution of this Act in a manner satisfactory to such Commissioner.

XLVII. That it shall be lawful for the Lord Lieutenant to order and direct that any such sum or sums of money as he or they shall think proper shall from time to time be advanced out of the produce of the Consolidated Fund of the United Kingdom, arising in Ireland, for the defraying the salaries of the said several Commissioners of Valuation and the allowances which shall be from time to time payable to the persons employed in carrying this Act into execution; and all such advances shall be made to such persons, at such times, in such manner, and under such rules and regulations as shall from time to time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual manner by the chief secretary, or in his absence by the under secretary; and it shall be lawful for such chief secretary or under secretary to certify to the grand jury of any and every county within which any such persons shall be employed the amount of money which shall have been paid to the Commissioner of Valuation and to the several persons employed within such county in the execution of this Act out of the advance authorized by this Act; and thereupon it shall and may be lawful for the grand jury of any and every such county respectively, and they are hereby authorized and required, to make presentment of the amount of such expenses as stated in such certificate, to be raised off the county at large or the several baronies therein in such manner and in such proportions as the Lord Lieutenant shall direct; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of any county, such treasurer shall pay over the same to such bank or person as the Lords Commissioners of the Treasury or any three or more of them shall think fit to direct.

XLVIII. That in the construction of this Act, the words "Lord Lieutenant" shall be understood to mean Lord Lieutenant or other Chief Governor or Governors of Ireland; the word "inhabitant" to include every one rated to the grand jury cess; and that all provisions and directions in this Act contained relating to counties shall extend to all counties, counties of cities, counties of towns, and towns corporate in Ireland, except such parts of the county of Dublin or the county of the city of Dublin as lie within the circular road of the said city, and which are comprised in the valuation made under authority of an Act, 5 Geo. 4. c. cxviii, intitled, 'An Act to provide for valuing the Houses situate in and near the City of Dublin, and for the more equal Payment of the local Taxes there;' and that all the acts and duties by this Act required to be performed by the several grand juries at the assizes for any county shall and may, in the county of Dublin or the county of the city of Dublin, be performed at the presenting terms by the grand juries duly met and impannelled; and that all provisions and directions relating to baronies shall extend to half baronies and to all other divisions of counties being greater than parishes; and that all provisions and directions relating to parishes shall extend to all chapelries or divisions of parishes or extra-parochial divisions, and to all unions of parishes, as if the same were one parish, in cases where any such union or division shall be rateable as one parish; and that that all provisions and directions relating to townlands shall extend to all divisions and sub-denominations of lands less than and being comprised within any parish; and that where any parish or union shall be situate in more than one county or barony, or partly in a county and partly in a county of a city, county of a town, or town corporate, the several parts of such parish shall be valued as a distinct parish in the several baronies or counties, or counties of cities or counties of towns, or towns corporate, to which they shall contribute to the payment of any county cess charges or grand jury rate.

XLIX. That ten days previously to the commencement of each assizes the Commissioner of Valuation shall transmit to the secretary of any grand jury of any county which shall be in the course of valuation a statement of the progress made in such valuation, together with the amount of the expenditure on the same, up to the period when such return shall be made.

L. That if any high constable or other collector of county cess or grand jury rates, or any churchwarden of any parish, or any landowner hereby required to act in lieu and stead of a churchwarden, or any Commissioner of Valuation or any valuator appointed by such Commissioner, or any secretary of the grand jury, shall omit or neglect or refuse to do any matter or thing which such high constable or collector, churchwarden, landholder, commissioner, valuator, or clerk of the peace are by this Act required and directed to do in the execution of this Act, in manner required by this Act, every person so offending shall forfeit a sum not exceeding 20*l.* and not less than 5*l.*, in the discretion of the Justices before whom such offender shall be convicted.

And after reciting that there are divers detached or isolated parcels of land belonging to or forming part of certain counties in Ireland, but locally situate within or surrounded by other counties; and in like manner there are divers detached or isolated parcels of land belonging to or forming part of certain baronies, but locally situate within or surrounded by other baronies: And that it is expedient, for the purpose of the general survey of Ireland now carrying on under the direction of the Master General and Board of Ordnance, and for the purpose of the valuation consequent upon such survey, that such detached or isolated portions of counties and baronies should be comprised and included in the counties and baronies within which they may be respectively locally situate or whereunto they may adjoin, so that each county and barony in Ireland may respectively consist of one continuous tract of land:

It is Enacted,

LI. That whenever the surveyors or persons appointed by the said Lord Lieutenant to ascertain and mark out the reputed boundaries of each or any county, barony, half barony, parish, or other division or denomination of land in Ireland, with a view to the more effectual execution of the general survey now in progress throughout Ireland under the direction of officers appointed by the Master General and Board of Ordnance, pursuant to the provisions of an Act, 6 Geo. 4. c. 99, intitled 'An Act to repeal an Act of the last Session of Parliament relative to the forming Tables of Manors, Parishes, and Townlands in Ireland, and to make Provision for ascertaining the Boundaries of the same,' shall find that there is any detached or isolated portion of any

one county locally situated within any other county, or between any two other counties, or surrounded by any other counties, or that there is any detached or isolated portion or any one barony locally situated within any other barony, or between any two other baronies, or surrounded by any other baronies, the said surveyors or persons shall make a report to the said Lord Lieutenant in council, stating the situation of each such detached or isolated portion of a county or barony and of the adjoining counties or baronies, and describing the same in a plan or map to be annexed to such report; and thereupon such Lord Lieutenant in council shall make order directing such detached or isolated portion of a county or barony to be annexed to and incorporated with the county or barony wherein the same may be locally situate or by which it may be surrounded; or if such detached or isolated portion of a county or barony shall lie between two or more counties or baronies, then and in such case directing the same to be annexed to such of the said contiguous counties or baronies as he and they shall think proper.

LII. That the said Lord Lieutenant in council shall and may by such order as aforesaid limit and determine the purposes to which the union and annexation of such isolated or detached portion of a county or barony to such other county or barony shall extend, and fix and declare from what period the same shall take effect, and settle and adjust all such matters in respect of the right of voting at elections of members to serve in Parliament by persons holding or occupying houses, lands, or tenements in such county or barony, and for the alteration or amendment of the lists or registers of electors accordingly, and in respect of the assessment, applotment, and levy of grand jury and other rates and assessments, and in respect of all other matters and things proper or necessary to be settled and adjusted in consequence of the union or annexation directed to be made by such order; and the order of the said Lord Lieutenant in council shall be conclusive and binding in law in respect of the said several matters and things therein contained; and every such order shall be published in the *Dublin Gazette*; and a copy or copies of such order, certified under the hand of the clerk of the said council, shall be delivered to the said surveyors or other persons employed to ascertain and mark out the reputed boundaries of each or any county, barony, half barony, townland, parish, or other denomination or division of land in Ireland, who shall mark out the boundaries accordingly in pursuance to such order; and a like copy or copies shall be transmitted to the clerk of the peace for each county to which such order shall in any way relate, to be by him kept and preserved in his office, and exhibited at all reasonable hours to any person or persons who may desire to inspect the same, without fee or reward.

LIII. That it shall be lawful for the said Lord Lieutenant in council from time to time as occasion may require to make any supplemental order or orders for removing such doubts or settling such disputes as may arise in consequence of the changes effected by virtue of the provisions hereinbefore contained; and every such supplemental order shall be published and transmitted to the clerk of the peace, to be by him preserved and exhibited for inspection in like manner as hereinbefore provided in respect of any original order; and every such supplemental order shall have the same force and effect as if it had formed part of any original order made under the provisions of this Act.

And for the correction of any maps or surveys already made or in progress,—

It is Enacted,

LIV. That it shall and may be lawful for the said Lord Lieutenant to appoint the said boundary surveyor or person, or any surveyor or person whom he shall think fit, to ascertain if there be any detached or isolated portion of any one county locally situated within any other county, or between any two other counties, or surrounded by any other counties, of which county or counties the general survey under the direction of officers appointed by the Master General and Board of Ordnance, or the boundary survey under the provisions of the said recited Act, 6 Geo. 4, shall have been in progress or completed before the passing of this Act; and in like manner to ascertain if there be any detached or isolated portion of any one barony locally situate within any other barony, or between any two other baronies, or surrounded by any other baronies, of which barony or baronies the said general survey or boundary survey shall have been completed before the passing of this Act; and the said surveyor or person shall make a report to the said Lord Lieutenant in council, stating the situation of each such detached or isolated portion of a county or barony, if any, and of the adjoining counties or baronies, and describing the same in a map or plan to be annexed to such report; and thereupon such Lord Lieutenant in council shall have power and authority to make such and the like order or supplemental order in respect of any such detached or isolated portion of a county or barony so appearing in any survey or map completed before the passing of this Act as such Lord Lieutenant in council has been hereinbefore enabled to make in cases where such survey or map shall not have been begun or shall not have been completed previous to the passing of this Act; and such order or supplemental order in the case of any map or survey already completed shall be made and dealt with in the like manner and be of the like validity and effect as any order or supplemental order made in the case where any such map or survey has not yet been made or completed; and the said boundary surveyor or person shall amend any map or plan furnished by him to the officers appointed by the Master General and Board of Ordnance in conformity with such order directing the amendment of such map of survey; and the said officers shall in like manner amend the general survey map in conformity with such amended map or plan, and pursuant to the directions of the said Lord Lieutenant in council.

LV. That if any person or persons shall take away, or remove, or displace, or alter the situation of any boundary stone, post, or mark, which shall be set up and placed for the purposes of this Act, or shall wilfully deface, mutilate, break, or destroy any such boundary stone, post, or mark, or shall wilfully obstruct or hinder any surveyor in the execution of his duty in and about the ascertaining and marking out the boundaries of any detached or isolated portion of any county or barony as aforesaid, or shall assault any such surveyor, or shall in any way resist such surveyor in the performance of his duty under this Act, or shall obstruct, hinder, assault, or resist any workman or other person acting in aid of any such surveyor in the execution of this Act, every person or persons so offending and being duly convicted thereof shall forfeit and pay a sum not exceeding 10*l.* and not less than 2*l.*, in the discretion of the Justices before whom he or they shall be so convicted.

LVI. That no order made in pursuance of this Act shall in any way affect the boundary or boundaries of any land with reference to any right, title, claim, possession, or interest therein; nor shall the description or denomination in any pleadings or proceedings, criminal or civil, in any court of law or equity, pending or instituted previous to the time limited for such order taking effect, be in any way vitiated or affected thereby; and that in the case of any suit or proceeding, civil or criminal, pending or instituted previous to the time assigned in and by such order for the same taking effect, such suit or proceeding shall and may be continued as if no such order had been made, and without regard thereto; and the said order shall, in respect of such suit or proceeding, and any and every matter relating thereto, be void and of none effect; and that wherever, in any

by such irregularity shall and may recover full satisfaction for the special damage (if any) in an action on the case; but no plaintiff or plaintiffs shall recover in any action for such irregularity as aforesaid if tender of sufficient amends hath been made by or on behalf of the party distraining before such action commenced.

LXI. That no action, suit, or proceeding shall be commenced or prosecuted against any Justice of the Peace, or any Commissioner of Valuation, or against any valutors, or against any other person or persons, for anything done in pursuance of this Act, until thirty days notice thereof shall be given to such Justice or Commissioner or valuator, or other person or persons, nor after sufficient satisfaction or tender of amends hath been made to the party or parties aggrieved, nor after the expiration of three calendar months next after the fact committed; and every such action or suit or prosecution shall be laid or brought in the county, county of a city, or county of a town where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action, suit, or prosecution shall and may, at his or their election, plead specially or the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if any replevin shall be brought for any cattle, goods, or chattels seized or taken by virtue or in pursuance of this present Act, it shall and may be lawful and sufficient to and for any person or persons who shall be defendant or defendants or avowant or avowants in any such replevin to avow, plead, or make cognizance generally, that he or they took the same cattle, goods, or chattels as a distress, by force of the statute in that case made and provided, without more particularly setting forth this Act, or the cause of making or detaining the said distress or distresses, or making any other more special plea, avowry, or cognizance, anything herein contained to the contrary notwithstanding; and if it shall appear that the matter on which the cause of action arose was done, or that the distress replevied was made, in pursuance and by authority of this Act, or that such action or suit shall have been brought before thirty days notice thereof was given as aforesaid, or after a sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county, county of a city, or county of a town than as aforesaid, then the jury shall find for the defendant or defendants or avowant or avowants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or shall discontinue his, her, or their action, suit, or prosecution after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, defendant or defendants or avowant or avowants shall recover double costs, and have such remedy for the same as any defendant or defendants hath or have in other cases of costs given by law.

SCHEDULES to which this Act refers.

No. 1.

Barony of B. in the County of C.

VALUATION OF LANDS, &c. within the several Parishes and Townlands in the said Barony, made in pursuance of the Act, 6 & 7 Will. 4. c. ., for the uniform Valuation of Lands in Ireland.

	Acres.	Annual Value of Lands, &c.	Total in each Parish.	
			Acres.	Value.
Parish of A.				
Townland D.	250	£. 120	No.	£.
— E.	100	100		
— F.	50	25		
Total in the Parish of A.				
Exemptions in the Parish of A.			400	245
Parish of G.				
Townland H.	60	100	267	377
— I.	47	37		
— K.	160	240		
Total in the Parish of G.				
Exemptions.				
&c. &c. &c.				
Total in Barony			667	622

The Meeting of the Committee of Appeal, named for the said Barony by the Grand Jury of the said County, is appointed for the Day of next, at the Court House at [or at any other Place fixed for the Meeting]. Dated this Day of 18 .

To the High Constable [or Collector of the }
Cess] for the Barony of B.

C. V.
Commissioner of Valuation for the County of C.

A Copy of this List is to be transmitted by the High Constable [or Collector] to the Churchwardens of the several Parishes within the said Barony of B., and to be posted in manner directed by the said Act, 6 & 7 Will. 4. c. ., for the Valuation of Lands in Ireland.

Letters to be addressed to C. V. at

No. 2.

County of C.

VALUATION OF LANDS, &c. within the several Baronies in the said County, made in pursuance of the Act, 6 & 7 Will. 4. c. ..
for the uniform Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	Total in each Barony.	
				Acres.	Value.
A.	B.	No.	£.	No.	£.
	Exemptions.	140	90		
	F.	200	100		
	Exemptions.				
	Total of Barony A.	-		340	190
I.	K.	400	200		
	Exemptions.				
	N.	80	40		
	Exemptions.				
	Total of Barony I.	-		480	240
&c.	&c.	&c.	&c.	&c.	&c.
Total of all the Baronies in the County				-	

The Meeting of the Committee of Revision named by the Grand Jury of the said County is appointed for the Day
of next, at the County Court House at , for the Revision of the foregoing Valuation. Dated this
Day of 18 .

C. V.
Commissioner of Valuation of the
said County.

The Secretary of the Grand Jury is required by the said Act to give Notice of the Day and Place above appointed to each
and every Member of the said Committee of Revision, and also to advertise the same in some public Newspaper circu-
lated in the said County Fourteen Days at least before the said Day of Meeting.

No. 3.

County of C.

VALUATION of LANDS, &c. within the several Baronies in the said County, finally confirmed and agreed on by the Committee
of revision appointed by the Grand Jury of the said County, in pursuance of the Act, 6 & 7 Will. 4. c. .., for the uniform
Valuation of Lands in Ireland.

Baronies.	Parishes.	Acres.	Annual Value of Lands, &c.	Total in each Barony.	
				Acres.	Value.
A.	B.	No.	£.	No.	£.
	Exemptions.	140	90		
	F.	200	100		
	Exemptions.				
	Total of Barony A.	-		340	190
I.	K.	400	200		
	Exemptions.				
	N.	80	40		
	Exemptions.				
	Total of Barony I.	-		480	240
&c.	&c.	&c.	&c.	&c.	&c.
Total of all the Baronies in the County				-	

C. D.
Commissioner of Valuation for the
County of C.

E. F., } Members of the Committee
G. H., } of Revision for the said
I. K., }

County Court House,
Day of 18 .

CAP. LXXXV.

AN ACT for Marriages in *England*.

[This Act is printed in the Appendix, p. xvi.]

(17th August 1836.)

CAP. LXXXVI.

AN ACT for Registering Births, Deaths, and Marriages in *England*.

[This Act is printed in the Appendix, p. xxvi.]

(17th August 1836.)

CAP. LXXXVII.

AN ACT for distinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties of the Counties of *York*, *Nottingham*, and *Cambridge*.

(17th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Secular jurisdiction of Archbishop of York in the places herein mentioned to cease.*
2. *Towns, &c. over which his jurisdiction extended to enjoy their privileges as heretofore.*
3. *Justices of Peace for Southwell.*
4. *Secular jurisdiction of Bishop of Ely to cease.*
5. *County rates of Ripon and Isle of Ely.*
6. *Custos rotulorum of West Riding and of Nottinghamshire.*
7. *Custos rotulorum of Ely.*
8. *Assizes, &c. for Ely to be held under 3 & 4 Will. 4. c. 71.*
9. *Quarter Sessions of Isle of Ely.*
10. *Clerks of the peace.—Coroner for Ripon.*
11. *Who shall be qualified to serve on juries in Ripon.*
12. *Chief bailiff of the Isle of Ely.*
13. *Gaol at Ely abolished, and prisoners to be confined in Cambridge gaol.*
14. *Houses of correction and their keepers to remain.*
15. *Regulations respecting juries in Ely.*
16. *Present coroners of Ely continued and future vacancies provided for.*
17. *Compensation to persons affected by the provisions of the Act.*
18. *Restrictions as to compensations.*
19. *Reservation of patent fees to patentees for life.*
20. *Reservation of all profits to the ass.*
21. *The Bishop of Ely to take and hold subject to future provisions.*
22. *Chief Justice of Ely to act under commission of assize, &c. already issued.*

By this Act,

After reciting that it is expedient to put an end to the secular jurisdiction of the Archbishop of *York* in the liberty of *Ripon* in the West and North Ridings of the county of *York*, and in the liberty of *Cawood*, *Wistow*, and *Otley* in the said West Riding, and in the soke of *Southwell* in the county of *Nottingham*, and to the secular jurisdiction of the Bishop of *Ely* in the Isle of *Ely*, in the county of *Cambridge*:—

It is Enacted,

1. That all the secular authority of the Archbishop of *York* in the said liberty of *Ripon*, and in the said liberty of *Cawood*, *Wistow*, and *Otley*, and in the said soke of *Southwell*, shall, from and after the passing of this Act, cease and determine, and shall become and be transferred to and vested in his Majesty, his heirs and successors.

II. That the several towns, parishes, and places within the said liberty of *Ripon*, and the said liberty of *Cawood*, *Wistow*, and *Otley* respectively, shall severally be deemed and taken to be distinct liberties, in the same way as they have heretofore been, and shall enjoy all the same rights, privileges, and exemptions which they have heretofore enjoyed, save only that all secular powers and authorities heretofore exercised by the Archbishop of *York* within the said liberties, or either of them,

shall henceforth be exercised by His Majesty, his heirs, and successors; and all persons now holding any office in the said liberties or either of them shall continue to hold the same in the same way as if this Act had not been passed.

III. That no new commission of the peace shall be henceforth issued for the said soke of Southwell, but the Justices of the Peace for the said county of Nottingham shall within the said soke of Southwell exercise the same jurisdiction, both in and out of sessions, as within every other part of such county; any charter or custom to the contrary notwithstanding.

IV. That all the secular authority of the Bishop of Ely in the Isle of Ely in the county of Cambridge, and all authority of the Chief Justice of Ely heretofore appointed by the Bishop of Ely, shall, from and after the passing of this Act, cease and determine; and all the secular authority of the said bishop shall become and be vested in His Majesty, his heirs, and successors: Provided always, that nothing herein contained shall prevent any Justice of the Peace now acting for the said liberties, soke, and isle respectively from continuing to act as such within the limits of their respective jurisdictions as if this Act had not been passed.

V. That the county rates for the said liberty of Ripon and for the said Isle of Ely shall remain, as heretofore, distinct from the rates for the rest of the counties of York and Cambridge respectively, and shall be assessed and levied and paid and applied by and under the order and direction of the Justices of the Peace for the said liberty and isle respectively as if the same were separate counties, but in all other respects under the same regulations as are applicable to the rates of other counties in England.

VI. That the custos rotulorum of the said West Riding of Yorkshire shall become the keeper of the records of the Court of Sessions of the Peace of the said liberty of Ripon, and of the said liberty of Cawood, Wistow, and Otley, and that the custos rotulorum of the said county of Nottingham shall become the keeper of the records of the Court of Sessions of the Peace of the said soke of Southwell, and that the records of the said several courts shall be delivered to the said respective keepers accordingly.

VII. That it shall be lawful for His Majesty, his heirs and successors, to appoint from time to time such person as he and they shall think fit to be custos rotulorum of the said isle of Ely.

VIII. That the assizes and sessions under the commissions of gaol delivery and other commissions for the despatch of civil and criminal business in the said county of Cambridge, including the said Isle of Ely, shall be holden in such manner and at such place or places as shall be directed by His Majesty in council under the provisions of 3 & 4 Will. 4. c. 71, intituled, 'An Act for the Appointment of convenient Places for the holding of Assizes in England and Wales.'

IX. That separate commissions of the peace shall continue to be issued for the said two liberties and isle respectively as heretofore; and the Sessions of the Peace for the said liberties and isle respectively shall be holden by and before the Justices of the Peace for the time being acting in and for the said liberties and isle respectively in like manner as the same have hitherto been holden.

X. That the present clerks of the peace for the said liberty of Ripon, and for the said liberty of Cawood, Wistow, and Otley, and for the said Isle of Ely respectively, shall continue clerks of the peace for the said liberties and isle respectively during their lives, or until resignation or other determination of their offices, and that thenceforth the clerks of the peace for the said liberty of Ripon, and for the said liberty of Cawood, Wistow, and Otley, shall be appointed by the custos rotulorum of the said West Riding for the time being, and the clerk of the peace for the said Isle of Ely shall be appointed by the custos rotulorum thereof for the time being, and shall be subject and liable to the same laws in all respects as the clerks of the peace in other counties of England; and that the present coroner of the liberty of Ripon shall continue coroner during his life, or so long as he shall well behave himself; and upon the death, removal, or resignation of such coroner, and upon every future vacancy of the office, a coroner shall be chosen by the freeholders of the said liberty of Ripon in like manner as coroners are chosen in the case of other counties or divisions of counties in England.

XI. That all persons residing within the said liberty of Ripon who by the laws now in force would be qualified and liable to serve on grand juries in Courts of Sessions of the Peace, and on petty juries for the trial of issues in Courts of Sessions of the Peace, holden for the county of York, if the said liberty were destroyed and the district comprised therein made for all purposes part of the said county, shall be qualified and liable to serve on such juries in Courts of Sessions of the Peace holden within the said liberty; and all persons who by the laws now in force would be exempted from serving on such juries, if the said district were for all purposes made part of the said county, shall in like manner be exempted from serving on such juries within said liberty.

XII. That the present chief bailiff for the said Isle of Ely shall continue chief bailiff of the said isle until resignation or other determination of his office, and that thenceforth it shall be lawful for His Majesty, his heirs and successors, to appoint from time to time such person as he or they shall think fit to be chief bailiff of the said isle.

XIII. That no person shall from and after the passing of this Act be committed to the gaol at Ely, but all persons who, if this Act had not been passed, might have been committed to or confined in such gaol may be committed to and confined in the gaol at Cambridge, and the Justices of the said Isle of Ely shall have full power to commit to the said gaol at Cambridge; and all persons who at the time of the passing of this Act shall be confined in the said gaol at Ely shall, as soon as may be after the passing of this Act, be delivered up by the keeper of the said gaol at Ely to the keeper of the said gaol at Cambridge, together with the warrant or instrument under or by virtue whereof every such person shall be then detained in custody, and the keeper of the said gaol at Cambridge shall receive and detain such persons in custody in the same way as if such persons had originally been committed to his custody.

XIV. That the houses of correction at Ely and Wisbech in the said isle shall remain, and the present keepers thereof shall be continued in office during the pleasure of the Justices of the Peace for the said isle in Quarter Sessions assembled; and the keepers thereof shall be appointed by the said Justices so assembled as in other counties of England.

xv. That all the regulations respecting juries and jurors for counties in England shall after the passing of this Act be applied to the Isle of Ely as well as to the rest of the county of Cambridge, and the sheriff of the counties of Cambridge and Huntingdon shall have the same power of summoning jurors in the said Isle of Ely which he has in the rest of the said county of Cambridge, and all persons residing in the said Isle shall be liable to serve on juries for the said county in the same manner as persons residing in other parts of the same county.

xvi. That the present coroners of the said Isle of Ely shall continue coroners respectively during their respective lives, or so long that they shall respectively well behave themselves; and that upon the death, removal, or resignation of either of them, and upon every future vacancy of the office, a coroner shall be chosen by the freeholders of the said Isle in like manner as coroners are chosen in the case of other counties or divisions of counties of England; and the said coroners for the time being shall be entitled to demand and take the same fees, recompense, and benefit as are given to or provided for the coroners, by an Act, 25 Geo. 2. c. 29, intituled, 'An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal of Coroners on lawful Conviction of certain Misdemeanors,' and shall as such coroners be subject to all the provisions of the said Act.

And after reciting that it is expedient that due provision shall be made for the compensation of any persons holding offices which have been usually held for life, for the loss they may sustain by the abolition of their offices by virtue or in consequence of this Act;—

It is Enacted,

xvii. That from and after the commencement of this Act there shall be issued, paid, and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said officers respectively, free and clear of all taxes and deductions whatsoever, such sum of money, at such times, by way of annuity or otherwise, as shall be adjudged and determined to be due to them by the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland or any three of them, who shall have full power to inquire into and ascertain the amount of such compensation, having regard to the nature and value of the office, the mode of appointment thereto, the tenure thereof, and all the circumstances of the case.

xviii. Provided always, That no such officer shall be entitled to receive any such compensation unless he shall previously make a full and true statement to the said Commissioners of His Majesty's Treasury, to be verified on oath before a Judge or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the amount of his salary and fees, and of the disbursements and outgoings of the same, for the space of ten years before the passing of this Act; and that such compensation shall cease altogether or be reduced in amount, as the case may be, whenever he shall be placed in any other public office of which the salary and emoluments shall be equal to the whole or to part of such compensation; nor in the last-mentioned case shall he be entitled to receive more of such compensation than shall be equal to the difference between the full amount thereof and the amount of the salary and emoluments of the office in which he may be hereafter placed.

xix. That nothing in this Act contained shall affect the right of any person holding a patent for his life of any office, whether abolished by this Act or not, to receive during his life any fee or stipend granted by such patent out of the revenues of the said respective sees.

xx. That nothing hereinbefore contained shall have the effect of severing or separating from the said archbishoprick or bishoprick any lordships, manors, houses, lands, tenements, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits or emoluments of any kind or description whatsoever, whether held in right of the said sees, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

xxi. That from and after the passing of this Act the Bishop of Ely for the time being shall take and hold the said bishoprick, and all the property, patronage, and rights belonging thereto, except as hereinbefore provided, subject to and under any provisions which shall be made by or under the authority of Parliament with respect to the said bishoprick within the space of three years next after the passing of this Act; any law, statute, or canon to the contrary notwithstanding.

xxii. Provided always, That, notwithstanding anything hereinbefore contained, the present Chief Justice of the said Isle of Ely shall have full power, under any commission of assize, or of oyer and terminer or gaol delivery, which has already issued, to exercise all such jurisdiction as he has heretofore exercised in the said Isle.

CAP. LXXXVIII.

AN ACT to suspend to the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

(17th August 1836.)

By this Act, it is Enacted.

I. That the general and subdivision meetings relating to the militia shall be suspended until the end of the next session of Parliament.

II. That proceedings may be had during such suspension by order in council.

III. That this Act shall extend to wardens of stannaries and to corps of miners.

CAP. LXXXIX.

AN ACT to provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests.

(17th August 1836.)

[This Act is printed in the Appendix, p. xxxiii.]

CAP. XC.

AN ACT to continue until the First Day of *May* One thousand eight hundred and thirty-seven, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*.

(17th August 1836.)

CAP. XCI.

AN ACT to enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to make and maintain a Road from the Church in the Parish of *Sunk Island* to the Town of *Ottringham* in the East Riding of the County of *York*.

(17th August 1836.)

CAP. XCII.

AN ACT to render valid certain Marriages solemnized in the Church of *Saint Clement, Oxford*.

(17th August 1836.)

By this Act,

- I. All marriages solemnized in the new church of St. Clement, Oxford, are declared valid.
 - II. Ministers who have solemnized any such marriages shall not be liable to any ecclesiastical censures, or to any other proceedings or penalties.
 - III. The registers of such marriages shall be received in all courts of law and equity as evidence of such marriages.
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CAP. XCIII.

AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-seven.

(19th August 1836.)

[The provisions of this Act will be found in the Law J. Statutes, (N.S.) Vol. I. 1832, p. 201, except that in those cases where by former Acts an oath was required to be taken, a declaration is substituted.]

CAP. XCIV.

AN ACT to amend an Act for enabling His Majesty to carry into effect a Convention made between His Majesty the King of the *French*, the Emperor of all the *Russias*, and the King of *Bavaria*.

(19th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *His Majesty authorized to guarantee the payment of the amount of interest and sinking fund of portion of the third instalment of the Greek loan.*
2. *Commissioners of Treasury empowered to issue money out of Consolidated Fund for the purpose.*
3. *Amount of monies advanced under this Act to be laid before Parliament.*

By this Act,

After reciting that by 3 & 4 Will. 4. c. 121, intituled, 'An Act to enable His Majesty to carry into effect a Convention made between His Majesty the King of the French, the Emperor of all the Russias, and the King of Bavaria, provision is made for enabling His Majesty to carry into effect the stipulations of the twelfth article of the said convention, in virtue of which article the payment of the interest and sinking fund of one third part of each of the several three instalments of twenty millions of francs each, forming in the whole a loan of the amount of sixty millions of francs, to be contracted by the King of Greece, was to be guaranteed by His Majesty, by the King of the French, and by the Emperor of all the Russias respectively: And that doubts have arisen whether His Majesty is empowered by the Act aforesaid to grant his guarantee for the payment of the interest and sinking fund of any one of the instalments of the said loan, or of any portion of such instalment, unless the King of the French and the Emperor of all the Russias concur, each for himself, in granting their respective guarantees for the like portion of the said loan: And that it is expedient that His Majesty should be enabled to guarantee one third part of each portion of the third and last instalment of the said loan as yet remains to be raised, or of any such portion thereof as may appear to be necessary, notwithstanding that their Majesties the King of the French and the Emperor of all the Russias, or either of them, should refuse or delay to guarantee the like portion or portions of the said third instalment:—

It is Enacted,

I. That it shall be lawful for His Majesty, his heirs and successors, and he and they is and are hereby authorized, to guarantee the payment of the amount of the interest and sinking fund of such portion or portions of the third and last instalment of the loan to be contracted by the King of Greece under the provisions of the twelfth article of the aforesaid convention as from time to time may appear advisable to His Majesty, notwithstanding that their Majesties the King of the French and the Emperor of all the Russias, or either of them, shall refuse or delay to guarantee the like portion or portions of the said third and last instalment of the loan aforesaid: Provided always, that the amount to be so guaranteed by His Majesty shall in no case extend in the whole to more than one third part of such portion of the said third and last instalment as still remains to be raised; and provided also, that the whole sum guaranteed by His Majesty under the powers given by this Act and by the said recited Act shall not exceed the sum of twenty millions of francs.

II. That for the purpose of giving effect to the said guarantee, the Lord High Treasurer or the Commissioners of the Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, for the time being respectively, shall be and he and they is and are hereby empowered from time to time, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to cause to be issued such sums of money as shall be required for the payment of any interest or sinking fund agreed to be paid by His Majesty under the said convention as and when the same may from time to time respectively become payable, and so long as the same should be payable conformably to the tenor of His Majesty's engagements as specified in the said convention.

III. That the said Lord High Treasurer or Commissioners of the Treasury for the time being shall cause to be prepared and shall lay before both houses of Parliament, within twenty days after the commencement of every session of Parliament, an account, up to the 31st of December then next preceding of the total sums, if any, which shall from time to time have been issued and applied by virtue of this Act for paying and satisfying any interest on the said part of the said loan so agreed to be guaranteed by His said Majesty, or towards paying and satisfying any principal thereof.

CAP. XCV.—IRELAND.

AN ACT to suspend, until the 6th of *April* One thousand eight hundred and thirty-seven, Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*.

(19th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Powers vested in the Treasury by 5 & 6 Will. 4. c. 79. revised.—Repayment of instalments postponed.—Proviso.*
2. *The Treasury not to stop proceedings for recovery of instalments in certain cases.*
3. *Act not to extend to instalments due from lay impropriators.*
4. *Proceedings not to be stopped where parties refuse information.*
5. *Account and statement to be laid before Parliament.*

By this Act,

After reciting that by 3 & 4 Will. 4. c. 100, it is amongst other things enacted, that it should be lawful for any person entitled to any tithes arising out of lands in Ireland, for the years 1831, 1832, or 1833, to make application to the Lord Lieutenant praying relief under the said Act in respect of such tithes; and it is further enacted, that such application should be made by a memorial, with a schedule thereto annexed, setting forth such particulars as in the said Act are in that behalf mentioned; and it is by the said Act further enacted, that the said memorial and schedule amended as therein is mentioned should be transmitted in manner therein mentioned to the Lord Lieutenant, who should thereupon authorize and direct such sum to be advanced to such memorialist as should appear by the said memorial and schedule to be due and owing to him on account of the tithes therein included; and it is thereby further enacted, that the said Lord Lieutenant should cause every such original memorial and schedule, together with a certificate under his hand of the amount of the advances so made to the memorialist, to be lodged in the office of the remembrancer of the Court of Exchequer in Ireland, and that the amount stated in each such certificate to have been so advanced should be repaid by five equal instalments, the first thereof to be made on the 1st of November 1834, and one of the four remaining instalments on the 1st of November in each of the succeeding four years, in the manner and subject to the conditions recited in the said Act: And that, under the powers contained in the said Act, advances to a large amount have been made to parties entitled to tithes arising out of lands in Ireland for the said years 1831, 1832, and 1833; and that it may be expedient not to enforce immediate payment from the parties to whom such advances have been made of the several instalments which became due from them on the 1st of November 1834 and on the 1st of November 1835: And that by 5 & 6 Will. 4. c. 79, it was enacted, that it should be lawful for the Lords Commissioners of His Majesty's Treasury, if it should seem to them expedient so to do, to delay or suspend the institution or prosecution of any proceedings for recovery or enforcing payment of any such instalments as aforesaid until after the 6th of April 1836: And that it is expedient to make further and other provisions with respect to the recovery of the said instalments and of the instalments which will become due and payable on the 1st of November 1836:—

It is Enacted,

I. That the powers and authorities vested by the said last-recited Act in the Commissioners of His Majesty's Treasury shall be and the same are hereby revived and continued; and that it shall be lawful for the said Commissioners or any three or more of them to delay or suspend the institution or prosecution of any proceedings for recovery or enforcing payment of any of the said instalments already become due or to become due on the 1st of November 1836 until and after the 6th of April 1837: Provided always, that the institution or prosecution of such proceedings shall not be delayed or suspended under the authority of this Act in any case in which the parties applying for such delay or suspension have received the whole or the greater part of the tithe due to them respectively for the years 1834 and 1835.

II. That it shall not be lawful for the Commissioners of His Majesty's Treasury to suspend or delay the institution or prosecution of any proceedings for the recovery of the said instalments in any case in which, either by act of law or the undertaking of the parties, the said instalments have become due and payable by the owner or landlord, and have ceased to be payable to the tithe owner by the tenant in possession.

III. That the provisions of this Act shall not extend or be construed to extend to the case of any instalment due by any lay impropriator, to whom advances were made under the authority of the Act, 3 & 4 Will. 4. c. 100, in respect of tithes chargeable upon lands the estate and property of the said impropriator.

IV. That the institution or proceedings for the recovery of such instalments shall not be delayed or suspended in any case in which the parties shall neglect or refuse to furnish to the satisfaction of the Commissioners of His Majesty's Treasury such information as the said Commissioners shall require for the purpose of enabling them to decide how far it may be expedient to delay or suspend the institution of such proceedings.

V. That an account shall be laid before both houses of Parliament, within ten days after the 5th of April 1837, of all sums recovered in respect of any of the said instalments, accompanied by a statement of the several cases in which, under the power and authority vested in them by this Act, the Commissioners of His Majesty's Treasury have delayed or suspended the institution or prosecution of proceedings for the recovery of the said instalments, or any of them.

CAP. XCVI.

AN ACT to regulate Parochial Assessments.

(19th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. All rates to be made on the net annual value of the property.—*Proviso.*
2. Rates to be made in a given form.—*Nothing herein to prevent owners from compounding for rates.*
3. Power to order new survey and valuation.
4. Power for surveyors to enter and examine lands, &c. for purposes of survey and plans.
5. Power to take copies or extracts of rates gratis.—*Penalty for refusal to permit.*
6. Justices acting in petty sessions to hold four special sessions in the year to hear appeals.—*Seven days notice to be given of objections.*
—*Proviso.*
7. Justices may act with all the powers of Justices in Quarter Sessions.
8. Act confined to England and Wales.
9. Act may be repealed this session.

By this Act,

After reciting that it is desirable to establish one uniform mode of rating for the relief of the poor throughout England and Wales, and to lessen the cost of appeal against any unfair rate:—

It is Enacted,

I. That from and after such period, not being earlier than the 21st of March next after the passing of this Act, as the Poor Law Commissioners shall by any order under their seal of office direct, no rate for the relief of the poor in England and Wales shall be allowed by any Justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto; that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent: Provided always, that nothing herein contained shall be construed to alter or affect the principles or different relative liabilities (if any) according to which different kinds of hereditaments are now by law rateable.

II. That every such rate made after the said period shall, in addition to any other particular which the form of making out such rate shall require to be set forth, contain an account of every particular set forth at the head of the respective columns in the form given in the Schedule to this Act annexed, so far as the same can be ascertained; and the churchwardens and overseers, or other officers whose duty it may be to make and levy the said rate, or such a number of the said churchwardens and overseers or other officers as are competent to the making and levying of the same, shall, before the rate is allowed by the Justices, sign the declaration given at the foot of the said form; and otherwise the said rate shall be of no force or validity: Provided always, that nothing herein contained shall be construed to prevent the owners of tenements from compounding for the rates to be assessed on the same, in such manner as they were by any statute or statutes enabled to do before the passing of this Act, so that the gross estimated rental of the hereditaments compounded for be entered on the rate in the proper column.

III. That when it shall be made to appear to the Poor Law Commissioners by representation in writing from the board of guardians of any union or parish under their common seal, or from the majority of the churchwardens and overseers or other officers competent as aforesaid to the making and levying the rate, that a fair and correct estimate for the aforesaid purposes cannot be made without a new valuation, it shall be lawful for the Poor Law Commissioners, where they shall see fit, to order a survey, with or without a map or plan, on such scale as they shall think fit, to be made and taken of the messuages, lands, and other hereditaments liable to poor rates in such parish, or in all or any one or more parishes of such a union, and a valuation to be made of the said messuages, lands, and other hereditaments according to their annual value, and to direct such guardians to appoint a fit person or persons to make and take every such survey, map or plan, and valuation, and to make provision for paying the costs of every such survey, map or plan, and valuation, either by a separate rate or by a charge on the poor rates, as they may see fit; but in case of such charge being made, then provisions shall be made for paying off not less than one-fifth of the sum charged on the rates, and such interest as may from time to time be payable in respect of such charge or any part thereof, in each succeeding year, till the whole is repaid.

IV. That for the purpose of making every such survey, map or plan, and valuation, it shall be lawful for the person or persons so to be appointed for making the same respectively together with their and every of their assistants and servants, at all reasonable times, until the same respectively shall be completed, to enter, view, and examine, survey and admeasure, all and every part of the messuages, lands, and other hereditaments aforesaid, and to do or cause to be done any act or thing necessary for making such survey, map or plan, and valuation: Provided always, that any map, survey, plan, or valuation made previously to the appointment of such person or persons which shall be tendered to him or them, and which shall be in his or their judgment and to his or their satisfaction a just and true map or survey, proper for the purposes aforesaid, may be used for such purposes.

V. That it shall be lawful for any person or persons rated to the relief of the poor of the parish in respect of which any rate shall be made, at all seasonable times, to take copies thereof or extracts therefrom without paying anything for the same, any thing in any Act of Parliament to the contrary notwithstanding; and in case the person or persons having the custody of such rate shall refuse to permit or shall not permit such person or persons so rated as aforesaid to take copies thereof or extracts therefrom, the person or persons so refusing or not permitting such copy or extract to be made shall forfeit and pay any sum not exceeding 5*l.*, to be recovered in a summary way before any Justice of the Peace having jurisdiction in the parish or place.

VI. That the Justices acting in and for every petty sessions division shall four times at least in every year hold a special sessions for hearing appeals against the rates of the several parishes within their respective divisions, and shall cause public notice of the time and place when and where such special sessions will be holden to be affixed to or near to the door of the parish church of the said parishes, twenty-eight days at the least before the holding of the same; and such special sessions shall and may be adjourned from time to time by the Justices there present, as they may think fit; and at such special or adjourned sessions the Justices there present shall hear and determine all objections to any such rate on the ground of inequality, unfairness, or incorrectness in the valuation of any hereditaments included therein, which decision shall be binding and conclusive on the parties, unless the person or persons impugning such decision shall within fourteen days after the same shall have been made cause notice to be given in writing of his, her, or their intention of appealing against such decision, and of the matter or cause of such appeal, to the person or persons in whose favour such decision shall have been made, and within five days after giving such notice shall enter into a recognizance before some Justice of the Peace, with sufficient securities, conditioned to try such appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the Justices at such Quarter Sessions, or any adjournment thereof; and such Justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party or parties appealing or appealed against as they shall think proper, and their determination in or concerning the premises shall be conclusive and binding on all parties, to all intents and purposes whatsoever; Provided always, that no such objection shall be inquired into by the said Justices in special session unless notice of such objection in writing under the hand of the complainant shall have been given, seven days at least before the day appointed for

such special session, to the collector, overseers, or other persons by whom such rate was made: Provided also, that the said Justices in special session shall not be authorized to inquire into the liability of any hereditaments to be rated, but only into the true value thereof and into the fairness of the amount at which the same shall have been rated.

VII. That the Justices present at any such special or adjourned session shall for the aforesaid purpose have all the powers of amending or quashing any such rate so objected to of any parish or other district within their division, and likewise of awarding costs to be paid by or to any of the parties, and of recovering such costs, which any Court of Quarter Sessions of the Peace has upon appeals from any such rate, except as herein excepted: Provided always, that no order of the said Justices shall be removed by certiorari or otherwise into any of His Majesty's courts of record at Westminster: Provided also, that nothing in this Act contained shall be construed to deprive any person or persons of the right to appeal against any rate to any Court of General or Quarter Sessions: Provided also, that no order of the said Justices in special session shall be of any force pending any appeal touching the same subject-matter to the Court of General or Quarter Sessions of the Peace having jurisdiction to try such appeal, or in opposition to the order of any such court upon such appeal.

VIII. That this Act shall extend only to England and Wales.

IX. That this Act may be repealed or amended by any Act which shall be passed in this session.

SCHEDULE to which this Act refers.

Form of Rate.

An ASSESSMENT for the RELIEF of the POOR of the Parish of *Merton* in the County of *Surrey*, and for other Purposes chargeable thereon according to Law, made this *Thirtieth* Day of *March* in the Year of our Lord One thousand eight hundred and *thirty-seven*, after the Rate of *Sixpence* in the Pound.

No.	Arrears due, or if excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	Rate at 6d. in the Pound.
1	£. s. d. - - -	James Smith	John Green	Land and Buildings.	Whiteacre Farm.	A. R. P. 40 0 0	£. s. d. 60 0 0	£. s. d. 55 0 0	£. s. d. 1 7 6
2	- - -	Ditto	Ditto	House and Garden.	In West Street.	0 1 0	30 0 0	25 0 0	0 12 6
3 {	- - 7½ } Excused	John Poor	Ditto	House	In Brick Lane.	- - -	1 10 0	1 5 0	0 0 7½
&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

Declaration of Overseers and Churchwardens.

We,
do declare the several Particulars specified in the respective Columns of the above Rate to be true and correct, so far as we have been able to ascertain them, to which End we have used our best Endeavours.
Thomas Jones, Overseer.
John Thomas, [Churchwarden, &c. &c.]

CAP. XCVII.

AN ACT for continuing and making perpetual the Duty on certain Offices and Pensions.

(19th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. The duties on offices and pensions continued by 4 Will. 4. c. 11. from 25th March 1834, until 5th July 1835, further continued from that period, and made perpetual.—Duties assessed since 5th July 1835 deemed to have been lawfully assessed; and where not assessed or collected may be now done.
2. Provisions of 6 Geo. 4. c. 9. for ascertaining and regulating the duties extended to this Act.
3. No assessment shall be made in respect of the duties on pensions, &c. payable out of the public revenue, but such duties shall be charged as heretofore, and monies applicable to the payment of the pensions shall be paid less by the amount of such duties.—Proviso for salaries payable in part only out of the public revenue.
4. Appropriation of duties.

By this Act,

After reciting that by 4 Will. 4. c. 11. it was enacted, that the several and respective sums of money charged by virtue of 38 Geo. 3. c. 5. upon any person or persons in respect of any public office or employment of profit, or any salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends, or yearly payments in the said Act mentioned, and which were by the said Act, 38 Geo. 3. directed, after the 25th of March 1799, to be ascertained, raised, levied, collected, and paid according to the directions of any Act or Acts to be passed for that purpose, and which sums of money and duties last mentioned had been from time to time continued by divers Acts of Parliament, and were then in force, until the 25th of March 1834, should be continued, and raised, levied, collected, and paid unto His Majesty from the said 25th of March 1834 until the 5th of July 1835: And that doubts have arisen whether the said respective sums of money and duties were continued by the said Act, 4 Will. 4. c. 11, and might lawfully be assessed, collected, or deducted after the said 5th of July 1835: and that it is expedient that such doubts should be removed, and that such respective sums of money and duties should be continued and made perpetual:—

It is Enacted,

I. That the several and respective sums of money and duties which by the said recited Act, 4 Will. 4. c. 11, were directed to be continued, raised, levied, collected, and paid from the 25th of March 1834 until the 5th of July 1835, shall be continued, raised, levied, collected, and paid unto His Majesty, his heirs and successors, from the said 5th of July 1835 for ever; and all such sums of money and duties as have been assessed, collected upon, or deducted from any monies which have accrued due and been paid to any persons in respect of any public office or employment of profit, or any salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends, or yearly payments, since the said 5th of July 1835, shall be deemed and taken to have been lawfully assessed, collected, and deducted; and in case any such monies so paid to any persons, and hereby made liable to the said duties, shall not have been assessed to the same, or the said duties shall not have been collected, or any such monies shall have been paid in full without deducting the said duties therefrom, then it shall be lawful, where the said duties were assessable under the said recited Act, 4 Will. 4. c. 11, to assess, levy, and collect the same as and from the said 5th of July 1835, and where the said duties were directed by the said last-mentioned Act to be deducted, to deduct the same out of the first payment which shall become due after the passing of this Act, in addition to the duties accrued in respect of such payment.

II. That the several powers and provisions contained in the 6 Geo. 4. c. 9, intituled, 'An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in England, and also for granting certain Duties on Sugar imported, for the Service of the Year One thousand eight hundred and twenty-five,' for the ascertaining, assessing, taxing, regulating, paying, and accounting for the duties on offices and pensions, shall extend and be construed to extend to the duties on offices and pensions hereby granted and continued, except where other provisions are made by this Act, and that the several powers and provisions in the said Act contained which relate or refer to any day or time within or during or before or after the year commencing the 25th of March 1825 shall extend and be construed to relate to the like days and times within or during or before or after the year commencing from the 25th of March 1835, and from the same day in every year hereafter, in like manner as by the said recited Act is directed with reference to the year 1825, and as if the several powers and provisions in the said recited Act contained were repeated and re-enacted in this present Act.

III. Provided always, That no assessments shall be made by any Commissioner or Commissioners, assessor or assessors of the land tax, or otherwise, for or in respect of the several duties of 1s. and of 6d. in the pound, payable to His Majesty under the several Acts in force, on annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments whatsoever granted and continued by this Act, when the same are payable out of the public revenue of the receipt of the Exchequer or elsewhere in Great Britain by any officer or officers, but that all and every such annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments shall and are hereby declared to be charged and assessed to the said duties respectively to the same annual amount as heretofore rated, charged, or assessed under any Act or Acts; and all monies applicable to the payment of such annuities, pensions, stipends, salaries, wages, allowances, or other yearly payments shall be issued, paid, and discharged less by the amount of the said duties to all intents as if the same were continued to be charged by annual assessment, and hereby authorized to be stopped and deducted as duties payable to His Majesty, anything in this Act or any former Acts contained to the contrary notwithstanding: Provided also, that where any officer who shall be in receipt of any such annuity, pension, stipend, salary, wages, allowance, or other yearly payment payable at the Exchequer or elsewhere in Great Britain, out of the public revenue as aforesaid, shall also be in receipt of perquisites, fees, gratuities, wages, allowances, or other profits not so payable, but which are chargeable with the said duties, it shall be lawful for the Lords Commissioners of the Treasury to authorize such last-mentioned duties, unless otherwise paid, to be stopped or detained from the amount of the salary or other yearly payment made to any such officer, and it shall and may be lawful for the said Lords Commissioners of the Treasury, or any three or more of them, by any warrant under their hands, whenever they shall deem the same advisable, to authorize and direct that the amount of any annuity, pension, stipend, salary, wages, allowances, or other yearly payments whatever, payable out of the public revenue, in any branch or department thereof, and chargeable with any of the said duties, shall be reduced and paid short by the amount of the assessment or assessments of any of such duties respectively, as if such assessments were actually made, and every such warrant shall be received in discharge of any such assessment and as a full authority for reducing the said annual payments and paying the same short as aforesaid.

IV. That all the monies which shall be collected under the authority of this Act shall be paid into the receipt of His Majesty's Exchequer, and carried to and made part of the Consolidated Fund of Great Britain and Ireland.

CAP. XCVIII.

AN ACT to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-six, and to appropriate the Supplies granted in this Session of Parliament.

(20th August 1836.)

[This Act contains the usual provisions for the appropriation of the supplies, as set forth in 5 & 6 Will. 4. c. 80, 4 Law J. Stat. (N.S.) 1835, p. 173. Where oaths have hitherto been required to be taken declarations are substituted.]

CAP. XCIX.—IRELAND.

AN ACT to amend Two Acts passed respectively in the Third and Fourth and in the Fourth and Fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Inferior tenants may apply to their immediate landlord, having acquired a perpetuity, for a like conveyance;—such tenant having previously paid or tendered his contribution and arrears of rent and fine.*
2. *For ascertaining the yearly rent to be reserved on such conveyances.*
3. *In case of dispute, or refusal or disability on the part of the landlord to execute, the tenant may petition the Court of Chancery or Court of Exchequer.—Court may determine in a summary manner, and appoint a person to convey.*
4. *Tenants for life and persons under legal incapacity (except infants and lunatics) may convey.*
5. *Rent reserved on such conveyance to be subject to variation in certain cases.*
6. *Ecclesiastical Commissioners or arbitrators to make abatement in the reserved rents and renewal fines of certain leases.*
7. *Reservation of remedies for recovery of rent.*
8. *Saving of provisions of recited Acts as to under-tenants who shall not apply for perpetuities.*
9. *Commissioners may give certificates of terms of purchase, and call on tenants by notice to complete their purchases.—Services of notice.—In case of failure to complete the purchase, the applicant shall be deemed to have renounced his right thereto.—Reserving to tenant the right to call for an arbitration.*
10. *Deeds shall be enrolled by depositing transcripts in the Rolls office.—Transcripts to be arranged in books for reference.—Transcripts and certificates not liable to stamp duty.—Fee on enrolment.*
11. *Searchers in enrolment books may be made on payment of a fee of 2s. 6d.*
12. *Provision as to archbishops, &c. causing enrolments to be made repealed.—Payment of expenses of transcript and enrolment.*
13. *If tenants purchase lands held by two or more leases, a mortgage may be accepted of the lands held by any one of them.*
14. *Forms of conveyances, mortgages, &c. to be prepared by the Commissioners.*
15. *Ecclesiastical Commissioners shall invest the monies arising in the perpetuity fund account.*
16. *In leases of see houses, &c. covenants not to sublet, except with consent of Commissioners, may be inserted, instead of absolute covenants against subletting.*
17. *Lessees of see houses, &c. under leases already made, may sublet with consent of Commissioners.*
18. *Ecclesiastical Commissioners may make leases and renewals of lands belonging to suspended dignities or benefices pending suspension.—Tenants of such lands may purchase perpetuities pending suspension.*
19. *In case of removal of suspension, all leases theretofore made to be valid, and the rents reserved thereon payable to the persons subsequently appointed and their successors.*
20. *The remedy granted by 3 & 4 Will. 4. c. 37, against impropriators refusing to repair chancels or maintain officiating clergymen extended to cases of refusal by appropriators.*
21. *What is to be deemed evidence of liability to pay stipend or repair chancels.*
22. *Court may appoint receiver.*
23. *If impropriator or appropriator in any parish not having a vicar or curate endowed shall not contribute to the maintenance of an officiating minister, the Commissioners, on certificate of the Archbishop, &c., may fix a stipend to be paid.—Certificate of the amount of stipend to be lodged in the registry.*
24. *Stipend shall be a paramount charge on the impropriate tithes, and shall be payable from the lodging of the certificate.—Amount not to exceed 10l. per centum on the value of the tithes ascertained by certificate of composition.*
25. *Property of minor canons and vicars choral vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such members of such corporations as have duties to perform.*
26. *For removing doubts as to the provisions of the recited Act respecting the precentorship of Christ Church, Dublin.—Proviso.*
27. *Provisions of recited Acts explained in respect of tithes, &c. disappropriated from dignities, &c.*
28. *In case disappropriated lands, &c. cannot be conveniently united to a neighbouring vicarage or curacy, or that such vicarage or curacy is already sufficiently endowed, the lands, &c. disappropriated shall be transferred to the Ecclesiastical Commissioners, and be by them carried to the general fund under their administration.*

29. Commissioners shall have like power of making leases, &c. in disappropriated lands, &c. as in those belonging to suspended dignities.
30. Ecclesiastical Commissioners not to grant a perpetual estate to any tenant now holding by lease any tithes appropriated to certain ecclesiastical dignities.
31. After the next avoidance of any such dignity, the Commissioners may declare that the lease shall not be renewed; and, upon application of the tenant to accept the value in money, may estimate the value thereof.—*Proviso.*
32. After conveyance, the interest of such tenant to vest in the Commissioners.
33. An annual sum of 1,500*l.* to be paid to Dr. Kyle, Bishop of Cork and Ross and Cloyne, in order to make his present revenue equal to that he had before the union of the sees.
34. Provision of 4 & 5 Will. 4. c. 90, relating to costs of solicitor explained.
35. Former Acts save as altered, to be construed together with this Act.—Act may be altered this session.
36. Providing for the repairs of cathedral churches.

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 37, and the amendment thereof by 4 & 5 Will. 4. c. 90, and that it is expedient to extend, explain, and amend, in certain respects, the provisions of the said Acts:—

It is Enacted,

I. That it shall and may be lawful for any inferior tenant or lessee, holding any lands, tenements, or hereditaments by virtue of any lease or contract containing a *toties quoties* covenant for renewal, and whose next immediate landlord has or shall have acquired a perpetual estate or interest in such lands, tenements, or hereditaments under the provisions of the said recited Acts or of this Act, to apply to such next immediate landlord for a conveyance of a perpetual estate and interest in such lands, tenements, or hereditaments, which conveyance such next immediate landlord is hereby required to make and execute to such inferior tenant, his heirs and assigns; provided that such tenant shall previously have paid or tendered to such landlord or his known agent such sum or sums of money as shall be payable by such tenant as or for contribution to the purchase money paid or secured by such landlord for the purchase of a perpetual estate or interest in such lands, tenements, or hereditaments, pursuant to the said recited Acts and this Act, together with all rent, and fines and fees for renewal, and all arrears thereof, then due and payable by such tenant by virtue of such lease or contract.

II. That the yearly rent to be reserved on every such last-mentioned conveyance shall be ascertained in manner following: that is to say, when the fine and fees payable by such inferior tenant upon each renewal of his interest in such lands, tenements, or hereditaments shall be a fixed and ascertained sum, then in the case of leases or interests renewable every year, the amount of such fine and fees, or, in the case of leases renewable at longer intervals than every year, the annual average amount of such fine and fees computed as by the said first-recited Act directed for the purposes of that Act, shall be added to the yearly rent reserved and made payable by the lease or contract under which such lands, tenements, or hereditaments, are held by such inferior tenant; and when the fine and fees payable by such inferior tenant upon every such renewal as aforesaid shall be a fixed proportion of or dependent upon the renewal fine payable by the immediate superior tenant of said lands, tenements, or hereditaments, then there shall be added to the yearly rent reserved upon such lease or contract a sum of money bearing a like proportion to the average annual amount of the renewal fine so payable by such immediate superior tenant, as the same shall have been ascertained by the Ecclesiastical Commissioners for Ireland pursuant to the said recited Acts; and such yearly rent reserved upon such lease or contract, together with such sum of money so to be added thereto as aforesaid, shall be the future rent to be reserved on the conveyance of a perpetual estate or interest in such lands, tenements, or hereditaments to such inferior tenant.

III. That in case of any dispute or difference between such inferior tenant and his next immediate landlord or in case such landlord shall not execute to such tenant a conveyance of the fee simple and inheritance of and in such lands, tenements, and hereditaments within one calendar month next after the same shall have been duly tendered to him or to his known agent, or in case such next immediate landlord shall be an infant or lunatic, or shall not be resident in the United Kingdom of Great Britain and Ireland, then and in every such case it shall and may be lawful for such inferior tenant to apply to the Court of Chancery or Court of Exchequer in Ireland by petition setting forth the facts and circumstances of the case; and it shall and may be lawful for such Court to hear such petition in a summary manner, and to make such order thereon as such Court shall think fit, and to appoint a person to execute such conveyance to such tenant in the name of such landlord, in case such landlord shall reside out of the jurisdiction of such Court or shall labour under any legal disability, or in case such Court for any other reason shall think it expedient to appoint such person; and every such conveyance so executed shall be valid and effectual to all intents and purposes.

IV. That it shall and may be lawful for every such next immediate landlord, and he is hereby authorized and required, although he shall be tenant for life or for any other limited interest of such lands, tenements, or hereditaments, or although he shall labour under any legal incapacity or disability (except infancy or lunacy), to execute such conveyance to his next inferior tenant, subject to the provisions hereinbefore contained, and every such conveyance shall be valid and effectual to all intents and purposes.

V. That in case any portion of the yearly rent reserved on such conveyance of any lands, tenements, or hereditaments shall be a proportion of or dependent upon the average annual amount, as ascertained by the said Ecclesiastical Commissioners, of the renewal fine payable by the first and immediate tenant of such lands, tenements or hereditaments, then and in every such case such yearly rent shall be subject to variation in like manner and at such times as the rents reserved upon the immediate conveyance of any lands, tenements, or hereditaments by the said Ecclesiastical Commissioners, or by the archbishop, bishop, or other sole ecclesiastical corporation under whom the said lands, tenements, or hereditaments are held; and all the provisions in the

said recited Acts contained relative to the variation of such last-mentioned rents shall be applicable to rents reserved on conveyances to be made under the provisions of this Act, so far as the nature and circumstances of each case will admit.

And after reciting that certain portions of the lands belonging to the sees of Armagh and Clogher have been or may be conveyed to the Ulster Canal Company under or by virtue of 6 Geo. 4. c. xciii., 9 Geo. 4. c. xevi., 10 Geo. 4. c. cix., 1 & 2 Will. 4. c. lvi., and 6 Will. 4. c. lxiii., for which compensation has been already awarded or is provided by said Acts to be awarded to the said sees of Armagh and Clogher:

It is Enacted,

VI. That the Ecclesiastical Commissioners, or the arbitrators, as the case may be, are hereby authorized and required to make such abatement in the reserved rents hereafter to be charged in the perpetuity sought to be acquired, or in the rent and renewal fine of any lease sought to be renewed, as to them may appear reasonable and just in proportion to the value of the lands so conveyed or which may hereafter be so conveyed to said Ulster Canal Company as aforesaid.

VII. That every such next immediate landlord shall and may have all such and the like remedies for the recovery of the rent reserved upon any such conveyance to his inferior tenant or tenants as any landlord or lessor now has, or may, can, or shall have by virtue of any law now or hereafter to be in force in Ireland for the recovery of rent payable under a demise by which a reversion is reserved to or remains in such landlord or lessor; and every person who shall have acquired the fee simple or inheritance in any lands, tenements, or hereditaments pursuant to the provisions of this Act shall and may have all such and the like remedies against his under-tenants as in and by the said recited Acts are provided in cases of persons who shall have acquired the fee simple and inheritance of any lands, tenements, or hereditaments under the provisions of the said recited Acts.

VIII. That nothing herein contained shall extend or be construed to alter or affect the provisions of the said recited Acts with respect to renewals to be made to inferior tenants holding under leases or contracts containing *toties quoties* covenants for renewal in the case of any such inferior tenant who shall not apply to his next immediate landlord, pursuant to the provisions of this Act, for a conveyance of the fee simple and inheritance of and in the lands, tenements, or hereditaments held by him under such next immediate landlord.

IX. That it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, at any time after application shall have been made to them for the purchase of the fee simple and inheritance of and in any lands, tenements, or hereditaments pursuant to the said recited Acts or this Act, to cause such certificate of the terms of such purchase, and of the amount of purchase money to be paid on the completion of such purchase, and of the annual rent to be reserved and made payable in and by the deed or deeds of conveyance, as by the said recited Acts they are directed to grant to the applicant when so required, to be without any request on his part delivered to him, together with a notice in writing to be annexed to such certificate requiring such applicant to complete such purchase, pursuant to the said recited Acts, within such time as shall be specified in such notice, not being less than six calendar months from the service thereof; and the said Ecclesiastical Commissioners may, if they shall so think fit, cause such certificate and notice to be transmitted to such applicant by post, addressed to him at his usual place of residence, or to his known agent or receiver at the usual place of residence of such agent or receiver, and for the purposes of this Act such transmission by the post to such applicant, or his known agent or receiver, shall be deemed good and sufficient service of such certificate and notice; and if such applicant shall neglect or refuse to complete such purchase within six calendar months after the service of such certificate and notice, or within such further period as shall be specified in such notice, then and in every such case such applicant shall be deemed to have renounced such purchase, and his right of preference thereto; and the said Commissioners shall deduct from the sum deposited or secured, pursuant to the said recited Acts, by such person so neglecting or refusing as aforesaid to complete such purchase, such sum or sums of money as the said Ecclesiastical Commissioners shall find necessary to defray the expenses which they may have incurred in ascertaining the terms of such purchase upon his said application: Provided always, that nothing herein contained shall have the operation or effect of interfering with the right or depriving any tenant of the power of calling for and obtaining an arbitration as provided by the said recited Acts in case he shall be dissatisfied with the terms of purchase declared by the said Commissioners; and that in the event of such an arbitration being called for and proceeded with by the tenant the said notice in writing attached to the certificate hereinbefore mentioned shall be set aside, and a new notice of like form shall be served on the tenant by the said Commissioners at any time after the award of the arbitrators who may be chosen shall be declared.

X. That in every case in which any deed has been or shall hereafter be executed, which by the provisions of the said recited Acts is required to be enrolled, the said Ecclesiastical Commissioners shall cause a transcript of such deed, certified under their seal, to be made upon parchment, and deposited in the hands of the deputy keeper of the rolls or other proper officer of the Rolls Office of the High Court of Chancery in Ireland, who upon receipt thereof shall, without any fiat or other order, cause the same to be preserved in the said Rolls Office, and such transcripts shall be conveniently arranged in books for the purpose of reference and examination: and every such transcript so deposited shall be and be deemed and taken to be an enrolment of such deed to all intents and purposes whatsoever: Provided always, that neither such transcript for enrolment, nor any certificate required by the said recited Acts, or either of them, to be given or enrolled, shall be liable to any stamp duty whatsoever; and that no fee shall be demanded or paid for the enrolment of any certificate required by law to be annexed to the enrolment of any such deed as aforesaid, in addition to the fee of 2s. 6d. payable on enrolment of such deed, pursuant to the said first-recited Act.

XI. That it shall and may be lawful for any person whatever to make searches in such enrolment books for the enrolment or enrolments of any deed or deeds which he shall have occasion to examine, and every person making any such search shall pay for the same (including the liberty of taking notes or making extracts from any enrolment or enrolments) a fee of 2s. 6d., and no more, for such day on which he shall make any such search.

XII. That so much of the said first-recited Act as provides that any archbishop, bishop, or person, other than the said Ecclesiastical Commissioners, shall cause any such deed or deeds to be enrolled, shall be and the same is hereby repealed; and that the said Ecclesiastical Commissioners shall defray the costs and expenses of making such transcript for enrolment, and of

enrolling the same in manner aforesaid, out of the purchase money paid for the purchase of the fee simple and inheritance of and in the lands, tenements, or premises comprised in such transcript.

XIII. That if any tenant or under-tenant shall be the purchaser of any lands, tenements, or hereditaments held under or by virtue of two or more leases, it shall be lawful for the said Ecclesiastical Commissioners, if in their discretion they shall so think proper, to accept of a mortgage on the lands comprised in any one or more of such leases for the purchase money of the whole, provided that the yearly value of the portion or portions of such lands so proposed to be mortgaged, clear of all rents, charges, and outgoings whatsoever, shall be at least three times the amount of the yearly interest payable in respect of such mortgage.

XIV. That the said Ecclesiastical Commissioners shall, with all convenient speed, cause proper forms of the conveyances, mortgages, leases, and other documents required for the purposes of the said Acts and this Act to be prepared, and such forms shall be authenticated by the corporate seal of the said Commissioners, and deposited in their office, there to be kept and preserved, and such forms may be used for the purposes aforesaid, subject to such exception or variation as from time to time or in any particular case the said Ecclesiastical Commissioners may find necessary or convenient; and such forms so authenticated, or such amended forms in like manner authenticated, as the said Commissioners shall from time to time cause to be prepared, shall be alike good and effectual as if the same were inserted in this Act; and copies of all such forms shall be printed under the directions of the said Commissioners, and given to any person demanding the same on payment of the reasonable expense of providing the same.

XV. That the said Ecclesiastical Commissioners shall cause all such monies as may hereafter accrue to their credit in the perpetuity purchase fund account mentioned in the said last-recited Act to be invested from time to time in such public securities as the said Ecclesiastical Commissioners shall think fit; and the said Ecclesiastical Commissioners shall have power to sell and dispose of the same as occasion shall arise, and apply the proceeds thereof, and the dividends and interest arising therefrom, to the purposes authorized and directed by the said last-recited Act.

XVI. That it shall and may be lawful for the said Ecclesiastical Commissioners, in any demise or lease to be made by them, pursuant to the said first-recited Act, of thesee house, offices, and mensal or demesne lands of or belonging to any archbishoprick or bishoprick, to cause to be inserted, instead of such clause or covenant against assigning or subletting, as by the said Act is required, a clause or covenant making void such demise or lease in case the premises thereby demised, or any part thereof, shall be sublet or assigned without the previous consent of the said Ecclesiastical Commissioners testified in writing under their common seal; which consent the said Ecclesiastical Commissioners are hereby authorized and empowered, if they shall so think fit, to give, upon such terms and subject to such restrictions or conditions as they shall deem expedient: Provided always, that such consent shall not be construed to authorize or empower any person deriving under the person to whom the said Ecclesiastical Commissioners shall have given such consent as aforesaid to assign or sublet the premises so demised or leased by the said Commissioners, or any part thereof.

XVII. That it shall and may be lawful for the lessee named in any lease or demise heretofore made by the said Ecclesiastical Commissioners of any such see house, offices, mensal or demesne lands, or for the heirs, executors, administrators, or assigns of such lessee, by and with the consent, testified in writing under their common seal, of the said Commissioners, and subject to such terms, conditions, and restrictions as shall be expressed therein, to assign or sublet such see house, offices, and lands, or such part or parts thereof as shall be specified in such consent; and that no such lease or demise shall be or become void or voidable by reason of such assigning or subletting with such consent as aforesaid, anything in such demise or in the said recited Act contained to the contrary hereof notwithstanding.

XVIII. That whensoever, under the provisions of the said Acts or this Act, the appointment, presentation, or collation to any dignity, office, rectory, or benefice has been or shall be suspended, the said Ecclesiastical Commissioners shall, for and during such period as such dignity, office, rectory, or benefice shall remain vacant, have, and at their discretion exercise, by and in their own name and right, all such powers of leasing and demising any lands or premises whatsoever belonging or appertaining or appropriated to or usually enjoyed with such dignity, office, rectory, or benefice as, in case no suspension had taken place, any person filling the same might have had or exercised; and it shall be lawful for the said Commissioners, in the case of lands or premises demised by leases customarily renewed from time to time, to accept surrenders of such leases, and to make new leases or renewals of the same respectively, in like manner to all intents and purposes as the said Commissioners are authorized and required to do in respect of any lands or premises, at any time belonging to any bishoprick, and which may have been transferred to and vested in them by virtue of the said Acts; and that it shall be lawful for the respective tenants, lessees, or under-tenants of any such lands or premises, during the suspension of such appointment, presentation, or collation as aforesaid, to apply to the said Commissioners for the purchase of a perpetual estate and interest of and in any such lands or premises, in like manner as such tenants, lessees, or under-tenants respectively could or might have done, by virtue of the said recited Acts or this Act, in case the appointment, collation, or presentation to such dignity, office, rectory, or benefice had not been so suspended; and in case of any such application all such and the like proceedings shall be had as by the said Acts prescribed in the case of any application for the purchase of the fee simple and inheritance of and in any lands or premises at any time belonging to any bishoprick, and which may have been transferred to and vested in the said Commissioners by virtue of the said Acts.

XIX. That in case of the removal of any such suspension as aforesaid, all leases, demises, renewals, or conveyances theretofore made as aforesaid by the said Ecclesiastical Commissioners shall be and remain valid and binding to all intents and purposes whatsoever: Provided, that in the case of the removal of such suspension, all rent, covenants, and reservations, made payable by or contained in such lease, demise, renewal, or conveyance shall, from and after the time when such dignity, office, rectory, or benefice shall have been filled, become and be payable to and enure for the benefit of the person appointed, collated, or presented to such dignity, office, rectory, or benefice, and his successors, who shall have all such and the like remedies for enforcing payment or performance of such rent, covenants, and reservations, as if the same had been expressly made payable to or reserved or covenanted with or by the person filling such dignity, office, rectory, or benefice, and his successors.

And after reciting, that it is expedient to make more effectual provision for enforcing payment of stipends or salaries for the maintenance of officiating clergymen in parishes whereof the tithes are appropriate or impropriate, and the owners thereof are bound to maintain such clergymen: And that by the said recited Act, 3 & 4 Will. 4, it was provided, that in any case where the owners of impropriations or impropriate tithes are by law bound, but refuse or neglect, to repair the chancel of any church, or to maintain an officiating minister, it should be lawful for the said Ecclesiastical Commissioners, or for the archbishop or bishop of the diocese, to present a petition to the Court of Chancery or Exchequer in Ireland, praying relief, and such Courts were authorized and required to hear such petition in a summary way, and to make such order therein as should appear just; and that it is expedient to extend the said recited provisions of the said Act :—

It is Enacted,

XX. That the same shall be deemed and taken to extend and shall extend to cases where the owners of appropriations or appropriate tithes are by law bound, but refuse or neglect, to repair the chancel of any church or to maintain an officiating minister, in like manner and as fully to all intents and purposes as to cases where the owners of impropriations or impropriate tithes are so bound and so refuse or neglect to repair the chancel of any church or to maintain an officiating minister.

XXI. That in any case in which any petition shall be presented pursuant to the said recited Act or this Act for the repair of any chancel, or for recovery of any stipend or salary of an officiating minister, or any arrears thereof, the certificate of the archbishop or bishop of the diocese in which the church or parish is situate, that such chancel has been repaired or such salary usually paid to the officiating minister of such parish, or that such chancel has at any time been agreed to be repaired or such salary to be paid by the owner or owners of the impropriation or appropriation or appropriate or impropriate tithes, as the case may be, of such parish, shall be *prima facie* evidence of the liability of such owner or owners to pay such stipend or salary, or repair such chancel, as the case may be; and every such stipend or salary shall be a charge upon such appropriate or impropriate tithes, paramount to all other charges whatsoever.

XXII. That it shall and may be lawful for the Court to which any such petition shall be presented to appoint a receiver over any such appropriate or impropriate tithes for payment of any such repairs, stipend, or salary, or arrears thereof, or to direct that any receiver already appointed over such tithes shall pay such repairs, stipend, or salary to the person entitled to receive the same, in preference and priority to all other charges whatsoever.

XXIII. That whosoever the impropriator or appropriator or owner of the appropriate or impropriate tithes of any parish, not having a vicar or curate endowed, shall not maintain an officiating minister in such parish, or shall not have agreed to pay a stipend or salary for or towards the maintenance of such officiating minister, being by law bound to maintain such minister, then and in every such case it shall and may be lawful for the archbishop or bishop of the diocese in which such parish is situate to certify to the Ecclesiastical Commissioners that there is no vicar endowed, nor any stipend paid to any curate, or other provision made by such appropriator or impropriator for the discharge of the spiritual duties of such parish, and that it is fit and proper that an officiating minister should be maintained within the same; and thereupon the said Ecclesiastical Commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable stipend to be paid by the impropriator or appropriator or owner of the appropriate or impropriate tithes of such parish, having regard to the annual value of such impropriate tithes, and to the extent of the duty to be performed in such parish; and the said Ecclesiastical Commissioners shall cause to be lodged in the registry of the diocese in which such parish shall be situate a certificate under their seal of the amount of the stipend so ascertained, and shall also transmit to the owner, or, if more than one, to each of the owners of the impropriate or appropriate tithes of such parish a copy of the said certificate.

XXIV. That the amount of the stipend so fixed and ascertained as aforesaid shall be a charge on the impropriate tithes of such parish paramount to all other charges whatsoever, and shall, from and immediately after the lodging of such certificate in the registry of the diocese, be paid and payable to the officiating clergyman of such parish for the time being by equal half-yearly payments; and such officiating clergyman shall be nominated and appointed from time to time in such manner and subject to such provisions and regulations as the curate of any curacy augmented by the Trustees and Commissioners of First Fruits pursuant to any statutes heretofore in force in Ireland: Provided always, that the amount of the salary so to be fixed and ascertained by the said Ecclesiastical Commissioners shall not exceed 10*l.* for every 100*l.* of the annual value of the impropriate or appropriate tithes of such parish, as the same shall have been ascertained by the certificate of the Commissioners appointed to carry into effect the composition for tithes in the said parish.

And after reciting, that it appears by the report of certain Commissioners constituted and appointed by His Majesty for inquiring into ecclesiastical revenues and patronage in Ireland, bearing date the 15th of April 1834, that there are in certain cathedral churches divers subordinate corporations known by various names, and that some of such corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct but for the emoluments which still attach and are enjoyed by the individuals who fill them :—

It is Enacted,

XXV. That the right, title, and interest in and to all lands, tithes, rents, profits, and other emoluments heretofore held and enjoyed by the vicars choral of the cathedral church of Saint Patrick's, Cashel, or by any corporation of or belonging to any cathedral church in Ireland, known by the names of minor or petty canons, vicars choral, vicars choral and organists, prebendaries and vicars, or vicars and choirmen, or by any other name, and whether sole or aggregate, who shall not discharge any duty, or shall not discharge duties commensurate with the extent of their emoluments, shall, in the case of the said vicars choral of the cathedral church of Saint Patrick's, Cashel, from and after the passing of this Act, and in the case of each and every such other corporation as aforesaid whosoever the Lord Lieutenant in council shall on the recommendation of the said Ecclesiastical Commissioners think fit so to direct, vest in the said Ecclesiastical Commissioners, subject nevertheless to all valid leases, charges, and incumbrances now affecting the same, and that the rents, issues, and profits thereof shall be by the said Ecclesiastical Commissioners applied during the lives of the present members of such corporations respectively to their use, in

the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them ; and the on the demise or cession of the respective members of such corporations, adequate provision be made out of such rents, issues, and profits for the due maintenance of such and so many of his or their successors as may in the judgment of the said Commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such corporations respectively, in cases where such provision is not made from other sources ; and that the surplus of such rents, issues, and profits from time to time accruing to the said Ecclesiastical Commissioners shall be carried to the general fund under the administration of the said Commissioners, who shall have all and every the like powers of leasing and demising the lands and tithes so vesting in them as such corporations may now respectively have, and be in all respects subject to such and the like restrictions and conditions.

And after reciting, that by the hereinbefore recited Act, 4 & 5 Will. 4, the Lord Lieutenant or other chief governor or governors of Ireland, and His Majesty's Privy Council there, are empowered, on the recommendation of the said Ecclesiastical Commissioners, to order and direct that the appointment to any ecclesiastical dignity or office under the rank of an archbishopric or bishopric, the person holding which shall not have actual cure of souls within any parish appropriated thereto, shall be suspended upon the next avoidance until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such period as such dignity or office shall remain vacant all and every the tithes, glebes, lands, rents, profits, and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits, and emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said Act : And that doubts have arisen whether the provisions of the said Act apply to the case of the precentorship of the church of the Holy and Undivided Trinity, otherwise called Christ Church, in Dublin, now vacant, by reason of the cure of souls in certain parishes belonging in contemplation of law to the said precentor, although in fact such cure has not been served by the occupant of such dignity, nor by any resident curate employed at a sufficient stipend : And that it is expedient to remove such doubts, and also further to explain the said Act :—

It is Enacted,

XXVI. That the hereinbefore recited provisions of the said Act shall be taken to extend to the said precentorship, and also to all dignities or offices the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated or in anywise belonging thereto, shall not for three years next preceeding the 1st of January last have continuously served the cure of souls in such parish or parishes either personally or by a curate licensed thereto, or in case the appointment, presentation, or collation of any clerk to such parish or parishes shall have been suspended or hereafter shall be suspended under and by virtue of the said recited Act, 3 & 4 Will. 4 ; and also that the said provisions of the said Act shall be taken to extend to all such offices of or belonging to cathedral churches as in the said Act mentioned, although the same may not be ecclesiastical offices nor held by ecclesiastical persons, and also to all cases where tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them, and also to cases where lands only, or land as well as tithes, may have been so held and enjoyed or appropriated, or where the same may be under lease : Provided always, that if it shall appear to the said Ecclesiastical Commissioners that there are any curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such curates are insufficient, then and in such case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the profits or emoluments of the parish so appropriated, to allow such stipend to any such curate, not exceeding 100*l.* per annum, as they may think necessary with regard to the duties to be by him discharged.

And after reciting, that by the recited Act, 3 & 4 Will. 4, as amended by 4 & 5 Will. 4, authority is given to the said Lord Lieutenant or other chief governor or governors and Council, on the next avoidance of any archbishopric, bishopric, deanery, archdeanery, dignity, prebend, or canonry, or with the consent of the incumbent thereof, to disappropriate, disunite, and divert from and out of the same any rectory, vicarage, tithes or portion of tithes, and glebes or part or parts thereof, and to unite any such rectory, vicarage, tithes or portion of tithes, or glebes or part thereof, to the vicarages or perpetual or other curacies of such parishes respectively, or to any adjoining or neighbouring rectory, vicarage, or curacy, or to erect the same into a distinct parish or benefice : And that difficulties have arisen in carrying the provisions of the said Acts into effect by reason of the existence of leases of tithes or portions of tithes and lands, sometimes included in one and the same demise, and sometimes situate in or arising out of several parishes, and doubts have arisen whether the said provisions extend to mensal or demesne lands ; for remedy whereof—

It is Enacted,

XXVII. That the said provisions shall be deemed and taken to extend to and comprise all and every tithes or portions of tithes, whether under lease or otherwise, and all lands, mensal, demesne, or otherwise, belonging or appertaining or anywise held or enjoyed in right of any archbishopric, bishopric, deanery, archdeanery, dignity, prebend, or canonry, whether such tithes or lands shall arise out of or be situate in one or more parishes.

XXVIII. That in any case where the said Lord Lieutenant or other chief governor or governors and Council shall think fit in the exercise of the powers conferred upon them by the said Acts and this Act, to disappropriate, disunite, and divert from and out of any archbishopric, bishopric, deanery, archdeanery, dignity, prebend, or canonry, any rectory, vicarage, tithes or portion of tithes, or lands or part or parts thereof, which by reason of the existence of any such leases as aforesaid, or for any other reason, cannot be conveniently appropriated or united to any adjoining or neighbouring rectory, vicarage, or curacy, or in case such rectories, vicarages, or curacies may be already sufficiently endowed, it shall be lawful for the said Lord Lieutenant or other chief governor or governors and Council to order that such rectory, vicarage, tithes or portion of tithes, or land or part or parts thereof, so disappropriated, disunited, and diverted as aforesaid, shall be transferred to the said Ecclesiastical Commissioners ; and the right and interest in and to the same, and all arrears thereof, shall thereupon vest in the said Ecclesiastical Commissioners, and be by them carried to the general fund under their administration, but charged with and subject nevertheless to the payment of such annual or periodical sum or sums of money, if any, as the said Lord Lieutenant or other chief governor or governors and Council shall think fit to direct to be paid to any rector, vicar, or curate, their or his successors,

whose rectory, vicarage, or curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the provisions of the said Acts, any such disappropriated rectory, vicarage, tithes or portions of tithes, or lands, might have been appropriated and united.

XXIX. That the said Ecclesiastical Commissioners shall have all such and the like powers of making or renewing leases, or of conveying a perpetual estate or interest of and in any lands or premises which may become vested in them by virtue of any such disappropriation order as aforesaid, as hereinbefore conferred upon them in respect of any lands or premises which may become vested in them by virtue of any such suspension order as hereinbefore mentioned; and all and every the provisions hereinbefore contained in respect of such lands or premises as may be vested in the said Commissioners by any such suspension order, and the making leases and renewals and conveyances thereof, shall apply and extend to lands or premises vested in them by any such disappropriation order, and the making leases, renewals, and conveyances thereof.

And after reciting that by reason of the insufficiency of the endowment of the vicarages in several parishes the rectorial tithes whereof are appropriated to archbishopricks, bishopricks, and other ecclesiastical dignities, prebends, and canonries in Ireland, by reason whereof it has become necessary from time to time to unite two or more of such vicarages into one benefice, to the disadvantage of the spiritual interests and concerns of such vicarages respectively;—

It is Enacted,

XXX. That from and after the passing of this Act it shall not be lawful for the said Ecclesiastical Commissioners acting in pursuance of the provisions of said recited Acts, in the name and on the behalf of any archbishop, bishop, dignitary, prebendary, or canon, to grant a perpetual estate or interest to any tenant now holding or who may hereafter hold any tithes or compositions for tithes appropriated to such archbishopricks, bishopricks, dignities, prebends, or canonries, under or by virtue of any lease or contract.

XXXI. That at any time from and after the next avoidance of any archbishoprick, bishoprick, dignity, prebend, or canonry, as aforesaid, in which it may be deemed expedient so to do, it shall and may be lawful for the said Ecclesiastical Commissioners in case any tithes or compositions for tithes shall be disappropriated therefrom, by instrument under their common seal to declare that the lease or contract by which such tithes or compositions for tithes are now or hereafter may be held shall not be renewed; and in order to prevent any loss or damage to the tenant or tenants now holding or who may hereafter hold such tithes or compositions for tithes by virtue of such lease or contract, by reason of the same not being capable of being renewed as heretofore, it shall and may be lawful for the said Commissioners, upon the application of any such tenant or tenants declaring his or their readiness to accept the value in money of his or their estate or interest in such lease or contract as if the same were still capable of renewal, to estimate and compute the value thereof accordingly; and in case such tenant or tenants shall think fit to accept the same, he or they shall thereupon convey his estate and interest in such lease or contract to the said Ecclesiastical Commissioners, and such tithes or compositions for tithes shall thereupon be freed and discharged from all debts, liabilities, and incumbrances of such tenant or tenants, or of any person or persons deriving under him, her, or them, or of any person or persons under whom he, she, or they may derive: Provided nevertheless, that the purchase money for such estate and interest shall become subject and liable to all such and the like engagements, liabilities, uses, trusts, intents, and purposes as may affect the estate or interest of such tenant or tenants in the lease or contract of said tithes or compositions for tithes, and shall be paid to such tenant or tenants on his making out title thereunto; and if he, she, or they shall not make out a sufficient title thereto such purchase money shall be paid into the Bank of Ireland to the credit of the Accountant General of the Court of Chancery in Ireland, and to the credit of the matter, upon an order for that purpose to be obtained upon petition in a summary way, and shall be disposed of by such Court by order in like manner to be obtained, as may be just.

XXXII. That from and after the conveyance of the estate or interest of every such tenant or tenants in and to such tithes or compositions for tithes to the said Ecclesiastical Commissioners as aforesaid, the same shall be and remain for ever vested in the said Ecclesiastical Commissioners, and be by them applied, as and when the same shall be received, in the first instance in liquidation and discharge of the purchase money and expenses incurred by them in the purchase thereof, with legal interest, until the same shall be fully and entirely paid off, and from thenceforward in the augmentation of small benefices under the provisions of the said recited Acts.

And after reciting that by and under the provisions of the said recited Act, 3 & 4 Will. 4, the bishoprick of Cork and Ross has become united to the bishoprick of Cloyne, and Doctor Samuel Kyle being at the time of the passing of the said Act, and at the time when the said bishopricks became united as aforesaid, Bishop of Cork and Ross, has become and now is Bishop of the said united bishopricks of Cork and Ross and Cloyne: And that upon such union as aforesaid all and singular the lands, tenements, and hereditaments, with all and singular the tithes, rents, and emoluments appertaining or belonging to the said bishoprick of Cork and Ross, were by virtue of the said Act transferred to and vested in the said Ecclesiastical Commissioners, saving and excepting the see house and offices and mensal and demesne lands to the said bishoprick of Cork and Ross belonging, which became thereafter by the said Act the see house and offices and mensal or demesne lands of the said united bishopricks of Cork and Ross and Cloyne, and the said Doctor Samuel Kyle became possessed of and entitled to the revenues of the said bishoprick of Cloyne, saving and excepting to the see house and mensal or demesne lands thereunto belonging, which the said Ecclesiastical Commissioners were authorized to let or demise for such rent or fine as they should think fit: And that the said Ecclesiastical Commissioners are authorized and required by the said Act, out of the revenues of the said bishoprick of Cork and Ross so vested in them as aforesaid, to make good to the said Doctor Samuel Kyle the sum or sums of money, if any, whereby the revenues of the said bishoprick of Cloyne shall fall short of the revenues of the said bishoprick of Cork and Ross; And that the revenues of the said respective bishopricks, being in great measure dependent on fines paid on the renewal of leases, are liable to uncertainty and variation, and an annual valuation of the said several bishopricks would be troublesome and inconvenient: And that it has been found, upon a comparison of the relative average value of the said several bishopricks, that the revenues of the said bishoprick of Cloyne fall short of the revenues of the said bishoprick of Cork and Ross by the annual sum of 1,500*l.* or thereabouts, and the said Doctor Samuel Kyle consents to receive such annual sum of 1,500*l.* in full acquittance and discharge of the payment which the said Ecclesiastical Commissioners ought to make to him under the provisions of the said Act;—

It is Enacted,

XXXIII. That the said annual sum of 1,500*l.* shall be deemed and taken to be the sum whereby the revenues of the said bishoprick of Cloyne fall short of the revenues of the said bishoprick of Cork and Ross, and that the said Ecclesiastical Commissioners shall pay to the said Doctor Samuel Kyle, in each and every year during his incumbency of the said united bishopricks of Cork and Ross and Cloyne, the said annual sum of 1,500*l.*, commencing from the 14th of September 1835, and that the first payment thereof shall be made on the 14th of September 1836, by one entire payment, and that the future payments thereof shall be made by equal moieties, one moiety on the 14th of March, and the other moiety on the 14th of September, in each and every succeeding year during the incumbency of the said Doctor Samuel Kyle in the said united bishopricks: Provided always, that the said annual payment shall be apportioned so and in such manner that on the demise or translation of the Doctor Samuel Kyle, or other determination of his said incumbency, the said Ecclesiastical Commissioners shall pay to him, or his executors, administrators, or assigns, a proportion of such annual sum according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the demise or translation of the said Doctor Samuel Kyle, or other determination of his said incumbency in the said united bishopricks: Provided also, that the income of the present Bishop of Cork and Ross and Cloyne during his incumbency be free from the tax chargeable under the provisions of the said recited Act, 3 & 4 Will. 4. c. 37.

And after reciting that it is provided by the said Act, 4 & 5 Will. 4. c. 90, that no sum shall be paid by the said Ecclesiastical Commissioners to any attorney or solicitor as and for costs, charges, or expenses, unless the amount of such payment shall first have been approved of by the Lords of the Treasury, and that no sum exceeding 1000*l.* shall be allowed in any one year by the Lords of the Treasury as and for the costs, charges, or expenses of any such attorney or solicitor, and that before any such sum shall be allowed by the said Lords Commissioners of the Treasury on such account as aforesaid the particulars of all such costs and expenses shall be laid before them: And that it is necessary to explain the said hereinbefore recited provision;—

It is Enacted and Declared to be the intent and meaning of the said Act,

XXXIV. That no sum exceeding 1000*l.* shall be allowed in any one year for the personal services of any such attorney or solicitor, but that no disbursements nor expenses actually and properly made or incurred by such attorney or solicitor in and about the affairs and business of the said Ecclesiastical Commissioners, and by their authority and direction, shall be deemed or taken to be included in the said sum of 1000*l.*, or form part thereof.

XXXV. That the said several recited Acts of Parliament shall continue in full force and effect, save and except so far as they or either of them are or is expressly repealed or altered by this Act, and that the said recited Acts and this Act shall be construed and taken together as one Act to all intents and purposes; and that this Act may be altered, amended, or repealed by any Act or Acts to be passed in the present session of Parliament

And after reciting that it is enacted by the said first-recited Act, that in all cases where, under and by virtue of an Act, 21 Geo. 2, intituled, 'An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches,' any parochial church shall have been or shall be made or shall become by usage or custom cathedral and parochial, and in all cases where, under and by virtue of an Act, 39 Geo. 3. (1), intituled, 'An Act for the repairing of Cathedral Churches in Cases where the Parish Churches have been long in Ruins,' any cathedral church shall have been or shall be made use of as a parish church, it shall and may be lawful for the said Commissioners, and they are hereby required to contribute to the repairs of such cathedral and parochial churches in such proportion as has been agreed upon by and between the dean and chapter or chapters of such cathedral church and by the Protestant inhabitants of the parish or union in which such church is situate, that the inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such cathedral and parochial churches; and if it shall happen that no such agreement as aforesaid shall have been made by and between the parties aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland and the Privy Council thereof, upon petition of the dean and chapter or of the said Commissioners, finally to adjust and ascertain the proportions in which such deans and chapters or chapters and said Commissioners shall so respectively contribute for the purposes aforesaid; and the sums necessary and sufficient for such purposes shall be from time to time apportioned and paid accordingly by the said deans and chapters and the said Commissioners respectively: And that it is just and reasonable that such deans and chapters should in certain cases be relieved in the whole or in part from the burthen of contributing to the repairs of such cathedral churches;—

It is Enacted,

XXXVI. That in case there shall be no economy fund or chapter or other property appropriated to the purpose of rebuilding, enlarging, and putting into and keeping in repair of any such cathedral church, or no such economy fund, chapter or other property adequate or sufficient for such purpose, it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, by writing under their seal to certify to the Lord Lieutenant or other chief governor or governors of Ireland in council that there is no such economy fund, chapter or other property appropriated to the purpose of repairing such cathedral church, or no such fund or property adequate and sufficient for such purpose, and that it is just and reasonable that the said Commissioners should defray the whole of the sums necessary for such purpose, or that the said Commissioners and the dean and chapter or chapter should contribute for such purpose in such proportions as shall in such writing be specified; and in case the Lord Lieutenant or other Chief Governor or Governors of Ireland and the Privy Council thereof shall signify his and their approval of the matters specified in such certificate, then and in such case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required from time to time to pay the whole of the sums necessary for such purpose as aforesaid, or such proportion thereof as shall be specified in such certificate, subject to such regulations as in the said recited Acts and this Act or any or either of them are contained with respect to monies to be expended for such purposes: Provided always, that such dean and chapter or chapter shall from time to time contribute for such purpose as aforesaid such proportion as shall be specified in such certificate as just and reasonable to be contributed by such dean and chapter or chapter.

CAP. C.—IRELAND.

AN ACT to restrain the Alienation of Corporate Property in certain Towns in *Ireland*.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *No conveyance of lands, &c. of any of the bodies corporate mentioned in the Schedule to be made before 1st September 1837, or unless in pursuance of some covenant bond fide entered into before the 16th of February 1836.—No contracts made after the passing of this Act and before 1st September to be valid.—Proviso for sales made for legal and necessary purposes.*
2. *Officers appointed since 16th February 1836 not to be therefore entitled to compensation for loss of office.*

By this Act,

After reciting that it is fitting that provision be made to the end that the estates and effects of the bodies corporate now constituted in sundry towns in Ireland may be preserved and maintained for the use and benefit of the inhabitants of the said towns, and upon and for the several trusts and purposes to which the same ought to be applied :—

It is Enacted,

1. That no conveyance, alienation, settlement, charge, or incumbrance whatsoever of, out of, or upon any lands, tenements, or hereditaments to which any body corporate or late or reputed body corporate named in the Schedule to this Act annexed or any one or more of the members of any of the said bodies corporate in his or their corporate capacity, or any person or persons in trust for them or any of them, now have or may hereafter acquire, or on or before the 16th of February in the present year had or have since then acquired, any right or title, unless in pursuance of some covenant or contract or agreement *bond fide* made or entered into on or before the said 16th of February by or on behalf of such body corporate, or of some resolution duly entered in the corporate books of such body corporate on or before the said 16th of February, shall (except as hereinafter provided) be made or executed by or on behalf of such body corporate before the 1st of September 1837; and that no contract, covenant, or agreement to convey or to charge such lands, tenements, or hereditaments, entered into after the passing of this Act and before the said 1st of September, shall, except as hereinafter provided, be valid; and no assignment, grant, or disposition of, or covenant or agreement to affect, any personal estate or estates of any such body corporate which may be hereafter made before the said 1st of September, shall, except as hereinafter provided, be valid or effectual: Provided always, that nothing herein contained shall extend to such dispositions as may be made, before the said 1st of September, of any part of the real or personal estate of any such body corporate for paying any just and lawful debt contracted by them before the said 16th of February, or for paying any debt which any such body corporate shall have been or may be directed to pay by any order, judgment, or decree of any court of law or equity, or for defraying the legal salaries of necessary officers, and other legal and necessary disbursements of such body corporate.

11. That no person who shall have been appointed to any office or place of profit in or by any of the said bodies corporate since the said 16th of February in the present year shall be entitled by reason of such appointment to have any compensation for the loss of such office or place of profit, or of the fees and emoluments thereof, in case provision shall be hereafter made by Parliament for removing him or authorizing his removal from such office or place of profit, or for amending or abolishing the same.

SCHEDULE to which this Act refers.

<i>Boroughs.</i>	<i>Style of Corporate Body.</i>
Ardee	The Portreeve, Burgesses, and Commons of the corporation of Atherdee.
Armagh	The Sovereign, Free Burgesses, and Commonalty of the borough of Armagh.
Athlone	The Sovereign, Bailiffs, Burgesses, and Freemen of the town of Athlone.
Athy	The Sovereign, Bailiffs, Free Burgesses, and Commonalty of the borough of Athy.
Bandon	The Provost, Free Burgesses, and Commonalty of the borough of Bandon Bridge.
Bangor	The Provost, Free Burgesses, and Commonalty of the borough of Bangor.
Belfast	The Sovereign, Free Burgesses, and Commonalty of the borough of Belfast.
Belturbet	The Provost, Free Burgesses, and Commonalty of the borough of Belturbet.
Boyle	The Borough Master, Free Burgesses, and Commonalty of the borough of Boyle.
Callan	The Sovereign, Burgesses, and Freemen of Callan.
Carlow	The Sovereign, Free Burgesses, and Commonalty of the borough of Catherlagh.
Carrickfergus ..	The Mayor, Sheriff, Burgesses, and Commonalty of the town of Carrickfergus.
Cashel	The Mayor, Aldermen, Bailiffs, Citizens, and Commons of the city of Cashel.
Charleville	The Sovereign, Bailiffs, and Burgesses of the borough of Charleville.
Clonakilty	The Sovereign, Free Burgesses, and Commonalty of the borough of Clonakilty.
Clonmell	The Mayor, Free Burgesses, and Commonalty of the town of Clonmell.
Coleraine	The Mayor, Aldermen, and Burgesses of the town of Coleraine.
Cork	The Mayor, Sheriffs, and Commonalty of the city of Cork.
Dingle	The Sovereign, Burgesses, and Commonalty of the town of Dingle-a-Couch.

*Boroughs.**Style of Corporate Body.*

Drogheda	The Mayor, Sheriffs, Burgesses, and Commonalty of the county of the town of Drogheda.
Dublin	The Right Honourable the Lord Mayor, Sheriffs, Commons, and Citizens of the city of Dublin.
Dundalk	The Bailiff, Burgesses, and Commonalty of the borough of Dundalk.
Dungannon	The Provost, Free Burgesses, and Commons of the borough of Dungannon.
Ennis	The Provost, Free Burgesses, and Commonalty of the town of Ennis.
Enniscorthy....	The Portreeve, Free Burgesses, and Commonalty of the borough of Enniscorthy.
Enniskillen	The Portreeve, Free Burgesses, and Commonalty of the borough of Enniskillen.
Fethard	The Sovereign, Chief Burgesses, Portreeve, and Freemen of the town of Fethard.
Galway	The Mayor, Sheriffs, Free Burgesses, and Commonalty of the town and county of the town of Galway.
Gorey	The Sovereign, Burgesses, and Free Commons of the borough and town of Newborough.
Kells	The Sovereign, Provosts, Burgesses, and Commonalty of the borough of Kells.
Kilkenny {	The Mayor and Citizens of the city of Kilkenny.
Kinsale	The Portreeve, Burgesses, and Commons of the borough or town of Irishtown.
Limerick	The Sovereign, Burgesses, and Commonalty of the town of Kinsale.
Limerick	The Mayor, Sheriffs, and Citizens of the city of Limerick.
Londonderry...	The Mayor, Commonalty, and Citizens of Londonderry.
Longford	The Sovereign, Bailiffs, and Burgesses of the borough of Longford.
Maryborough ..	The Burgomaster, Bailiffs, Burgesses, and Commonalty of Maryborough.
Monaghan	The Provost, Free Burgesses, and Commonalty of the borough of Monaghan.
Naas	The Sovereign, Provost, Burgesses, and Commonalty of Naas.
Navan	The Portreeve, Burgesses, and Freemen of the town or borough of Navan.
New Ross	The Sovereign and Burgesses of New Ross.
Portarlington...	The Sovereign, Bailiffs, and Burgesses of the borough and town of Portarlington.
Sligo	The Provost, Free Burgesses, and Commonalty of the borough of Sligo.
Strabane	The Provost, Free Burgesses, and Commonalty of the town of Strabane.
Tralee	The Provost, Free Burgesses, and Commonalty of the borough of Tralee.
Trim	The Portreeve, Burgesses, and Freemen of Trim.
Tuam	The Sovereign, Free Burgesses, and Commonalty of the borough of Tuam.
Waterford	The Mayor, Sheriffs, and Citizens of the county of the city of Waterford in the kingdom of Ireland.
Wexford	The Mayor, Bailiffs, Free Burgesses, and Commonalty of the town or borough of Wexford.
Wicklow	The Portreeve, Free Burgesses, and Commonalty of the borough of Wicklow.
Youghal	The Mayor, Bailiffs, Burgesses, and Commonalty of the town of Youghal.

CAP. CI.

AN ACT to legalize certain Lists of Voters and of Claims and Objections for the present Year.

[This Act is printed in the Appendix, p. xxxiv.]

(20th August 1836.)

CAP. CII.

AN ACT for rendering more easy the taking the Poll at County Elections.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Additional polling places may be appointed upon petition from Justices in Quarter Sessions assembled.*
2. *Notices to be given previous to any petition being made.*
3. *As to the number of polling booths to be provided.*

By this Act,

After reciting that by 2 & 3 Will. c. 64. it is among other things enacted, that the poll for the election of knights of the shire shall be taken at such places as in a certain Schedule to the said Act annexed marked (N.) are mentioned : and that it is expedient that provision should be made for increasing the number of such polling places :—

It is Enacted,

1. That it shall be lawful for His Majesty, by and with the advice of his Privy Council, from time to time hereafter, on petition from the Justices of any county, riding, parts, or division in England or Wales, in Quarter Sessions assembled, rep-

sending that the number of polling places for such county, riding, parts, or division is insufficient, and praying that the place or places mentioned in the said petition may be a polling place or polling places for the county, riding, parts, or division of the county within which such place or places is or are situate, to declare that any place or places mentioned in the said petition shall be a polling place or polling places for that county, riding, parts, or division, and that the Justices of the Peace for such county, riding, parts, or division in Quarter Sessions or some special Sessions assembled, as in the said Act mentioned, shall conformably to the said Act divide such county, riding, parts, or division into convenient polling districts, and assign one of such districts to each polling place; and every such direction or order for creating additional polling places shall be certified under the hand of one of the clerks in ordinary of His Majesty's Privy Council, and when so certified shall be published in the *London Gazette*, and shall be of the same force and effect as if the same had been made by the authority of Parliament.

II. That no such petition as aforesaid shall be made by such Justices so assembled unless a notice in writing shall have been delivered, one month at the least before the holding of such Quarter Sessions, to the clerk of the peace of the county, riding, part, or division wherein the same are held, signed by two Justices of the Peace for such county, riding, part or division, and residing therein, or by ten inhabitants being registered voters for such county, riding, part, or division, which notice shall state that the Court will, when such sessions are held, be moved to make such petition, nor unless the clerk of the peace shall, ten days at the least before the holding of such sessions, have caused a copy of such notice to be inserted twice at the least in two of the newspapers of such county, riding, part, or division, if two newspapers are published therein, or if not, in a newspaper published or commonly circulated therein, together with a notice of the day upon which such Quarter Sessions will be held: Provided always, that when such motion is made, any person objecting to the same shall be heard by such Court against the same or any part thereof, if he thinks fit.

III. Provided always, That at every contested election of a knight or knights to serve in any future Parliament for any county, or for any riding, parts, or division of a county, as many polling booths shall be provided at each polling place as will allow one for every 450 electors whose names appear upon the registry of the said county or division of a county, and who may lawfully vote at such polling place; and the high sheriff shall provide the same accordingly.

CAP. CIII.

AN ACT to make temporary Provision for the Boundaries of certain Boroughs.

(20th August 1836.)

CAP. CIV.

AN ACT for the better Administration of the Borough Fund in certain Boroughs.

(20th August 1836.)

CAP. CV.

AN ACT for the better Administration of Justice in certain Boroughs.

(20th August 1836.)

[The three preceding Acts are printed in the Appendix, p. xxxv—xxxviii.]

CAP. CVI.

AN ACT to make Provision for the better and more expeditious Administration of Justice in the Stannaries of *Cornwall*, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Appointment of future vice warden.*
2. *Vice warden to hold office during good behaviour.—Power of removal.*
3. *Present Lord Warden to have the appointment of vice warden in case of vacancy.*
4. *Original equitable jurisdiction of vice warden confirmed, and extended to matters connected with all metals and metallic minerals in the county in the same way as heretofore over tin.*

5. *Deceases, &c. of vice warden subject to re-hearing and appeal.*—Judgments on appeal to be transmitted to vice warden's court.
6. *The courts of the stannaries consolidated, and to be held before the vice warden, who is to have the same jurisdiction as the steward has had :—*
7. *And also similar jurisdiction in all cases connected with all metals and metallic minerals in Cornwall.*—*Appeal.*—Judgment on appeal to be sent to the vice warden's court.—Judgment not to be reversed except on error of law.
8. *Vice warden may grant a new trial.*
9. *Service of subpoena on witnesses good in any part of England or Wales :—and to be enforced by process from King's Bench :—*
10. *Provided expenses be tendered.*
11. *Where judgment obtained, and the person and effects cannot be found within the jurisdiction of the Court of the vice warden, any of the superior courts may issue execution.*
12. *Rule of the court which cannot be otherwise enforced may be enforced by making it a rule of a superior court at Westminster.*
13. *The vice warden to have no jurisdiction except as hereby provided, and any parties may demur to jurisdiction of the court, but if not, the jurisdiction not to be questioned.*
14. *Vice warden empowered to make rules and orders, touching the practice and proceedings of the court.*—*Old practice to continue until such rules and orders are made.*
15. *Vice warden authorised to regulate how evidence shall be taken.*—*Old practice to remain until otherwise ordered.*
16. *Vice warden may direct and try an issue of fact arising on the equity side.*—*Motion for new trial.*
17. *Power to vice warden to make orders though court adjourned or not sitting.*
18. *Vice warden ordering a person having a share in a mine to pay money may order a sale of his share.*
19. *The vice warden's seal to be the seal of his court.*
20. *All barristers and solicitors may practise in vice warden's court.*—*If others than solicitors or attorneys practise, to be deemed a contempt of court.*
21. *Court to have jurisdiction throughout the county of Cornwall, to be a court of record, and to be held at Truro.*
22. *Appointment of registrar.*—*Removal of registrar.*
23. *Present Lord Warden to have the appointment of registrar.*
24. *Vice warden may appoint secretary, prothonotary, and collector.*
25. *The salary of the vice warden and other officers.*—*Apportionment of salary on death, &c.*
26. *The revenues of the Duchy charged with half the salaries.*
27. *Secretary, &c. to account for all fees half-yearly.*—*Account to be audited by vice warden, and one-third of fees to be paid in aid of moiety of the salaries charged on the Duchy revenues.*
28. *Assessment of one farthing in the pound sterling on all metals, &c. except tin ; and head manager of every mine to make a return quarterly of the quantity and value.*
29. *Registrar, out of the assessment and the remaining fees, to pay the other moiety of the salaries.*
30. *The registrar to have his accounts of receipts from the assessment and the fees, and his payments thereout, audited by the vice warden half-yearly.*—*If at the end of any half year a balance appears sufficient for the next half year, no assessment to be made until the expiration of such half year ;—but nevertheless the head manager to make the returns.*
31. *Penalty on head manager omitting to make any return, or making a false return.*
32. *Jurors.*
33. *Summoning of jurors.*
34. *Ballot and challenge of jurors.*—*Jury to consist of twelve.* *Jury de Circumstantibus.*
35. *Penalty on jurors for non-attendance.*
36. *Appointment of crier and usher.*
37. *Vice warden and registrar not to practise.*
38. *Vice warden, registrar, and other officers to take no fees, &c. except as hereby provided, &c.*—*Penalty.*
39. *A list of fees to be hung up.*
40. *The county prison at Bodmin to be the prison of the vice warden's court.*
41. *The powers heretofore vested in the vice warden or steward or court of the stannaries to be exercised by the vice warden.*
42. *Removal of causes in certain cases to the Court of King's Bench.*
43. *All existing laws, customs, &c. not inconsistent with this Act or the law of the realm preserved.*
44. *Interpretation of this Act.*
45. *Commencement of Act.*
46. *Act may be altered this session.*

By this Act,

After reciting that there has existed throughout the stannaries of Cornwall a court in which the vice warden has in certain cases, wherein tin or tinners or matters connected with tin are concerned, exercised original equitable jurisdiction : and that there has existed a court in each of the stannaries of Cornwall, called the steward's court, and in which the steward of the stannaries has exercised a common law jurisdiction in such like cases : and that the jurisdiction so exercised by the vice warden and the steward respectively has been confined to cases wherein tin or tinners are concerned : and that in late times lead, copper, and other metals and metallic minerals than tin have been discovered in the county of Cornwall, and over the matters connected with the working for and purifying and smelting of which lead, copper, and other metals and metallic minerals such jurisdiction has not been considered to extend : and that the various persons in the said county working and interested in such lead, copper, and other metals and metallic minerals are greatly inconvenienced in their disputes in cases where such metals and metallic minerals other than tin are concerned, and are put to great inconvenience in obtaining redress therein : and that it is expedient to unite the court of equity of the vice warden with the courts of common law of the steward of the said stannaries, and to extend the jurisdiction of the court to and over all metals and metallic minerals in the said stannaries, and to and over all transactions connected therewith in the said county of Cornwall, in manner hereinafter mentioned, and also to confirm, alter, and enlarge the powers of such court in various particulars, and to make other provision than heretofore for the hearing of appeals and writs of error therefrom :—

It is Enacted,

1. That from and after the death or resignation or other removal of the present vice warden it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty and his successors, King or Queen regnant of England

for the time being, if there be no Duke of Cornwall or if the Duke of Cornwall for the time being is under age, to nominate and appoint from time to time (by letters patent under the privy seal of the Duchy of Cornwall or under the great seal of England, as the case may be,) a fit person, being a barrister at law of five years standing at the least, to be and be called the vice warden of the stannaries.

II. That the present vice warden and every future vice warden shall be Judge of the court hereinafter mentioned, and which shall have both a common law and an equity side, and shall comprehend the court heretofore the court of the vice warden and the court heretofore the courts of the stannaries, and that the vice warden for the time being shall hold such office during his good behaviour: Provided always, that it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty and his successors, King or Queen regnant of England for the time being, if there is no Duke of Cornwall or if the Duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein at length sufficient grounds, and signed by the majority or five of the council or of the Commissioners or principal officers of the Duchy of Cornwall, but not otherwise, (the Lord Warden of the stannaries being always one of the persons signing such requisition,) to remove the person for the time being holding the said office of vice warden.

III. Provided, That notwithstanding anything herein contained, the appointment of vice warden (should any vacancy occur during the time the present Lord Warden of the stannaries holds that situation) shall be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person to be appointed vice warden, and his removal, as hereinbefore contained.

IV. That the original equitable jurisdiction heretofore lawfully exercised by the vice warden for the time being shall and may be henceforth exercised by the present and every future vice warden for the time being, and that the present and every future vice warden for the time being shall have, exercise, and enjoy the same equitable jurisdiction, and the same power and authority in all matters and things brought before him, so far as relates to the working, managing, conducting, or carrying on any mine worked for any lead, copper, or other metal or metallic mineral within the said county of Cornwall, or to the searching for, working, smelting, or purifying any lead, copper, or other metal or metallic mineral within the said county, in as full and ample a manner as if the same had related to any tin or tin ore, or tin mine, or mine worked for tin, in the said county: Provided always, that nothing herein contained shall be deemed or taken to affect any suit or matter now pending in any court of law or equity.

V. Provided, That all decrees, orders, and acts, as well already or hereafter to be made or done by the vice warden for the time being, shall in each and every case be subject to be re-heard and varied by the vice warden for the time being according to the practice of the court, and that the Lord Warden for the time being shall have full power and authority on any appeal or appeals presented to him for that purpose, within the time limited by the practice of the court, (such appeal or appeals being left with the secretary of the Lord Warden at the duchy office,) and, with the aid and assistance of three or more members of the Judicial Committee of His Majesty's Privy Council for the time being, to affirm, alter, or reverse any decrees, orders, or acts already or hereafter made or done by the vice warden for the time being, either in whole or in part, and to dismiss such appeal or appeals, with costs or otherwise, as may to the Lord Warden so aided and assisted seem just: Provided, that the judgment pronounced by the Lord Warden so aided and assisted on any appeal or appeals presented shall be transmitted to the court of the vice warden, to be by such court carried into effect, and shall be subject to appeal to the Lords spiritual and temporal in Parliament assembled.

VI. That the courts of law of the respective stannaries, heretofore held before the stewards or steward thereof shall be one court for all the stannaries, and shall be held by and before the vice warden for the time being, who as Judge thereof shall have, exercise, and enjoy the same common law jurisdiction, and the same powers, privileges, and authorities with reference thereto, and shall transact, do, and perform the same duties, matters and things in relation thereto, as have heretofore been lawfully transacted, done, performed, or to be exercised or enjoyed by the steward for the time being of any of the stannaries.

VII. That such vice warden for the time being shall also have, exercise, and enjoy the same common law jurisdiction and the same power and authority in all matters and things which shall be brought before him in any way connected with the working, managing, conducting, or carrying on any mine worked for lead, copper, or any other metal or metallic mineral within the said county of Cornwall, or in any way relating to lead, copper, or any other metal or metallic mineral, or the searching for, working, smelting, or purifying lead, copper, or any other metal or metallic mineral within the said county, in as full and ample a manner as if the same had been connected with or related to any tin or tin ore, or tin mine, or mine worked for tin, in the said county: Provided always, that it shall and may be lawful for either or any of the parties, plaintiff or defendant, against whom any judgment or order or sentence shall be given, to appeal therefrom to the Lord Warden for the time being, and that the Lord Warden for the time being shall have power and authority to receive appeals (the same to be lodged with his secretary at the duchy office as aforesaid) from such judgments, orders, and sentences, and shall have power and authority, being aided and assisted by three or more members of the Judicial Committee of His Majesty's Privy Council for the time being, to hear such appeals, and to affirm, alter, and reverse such judgments, orders, or sentences, in whole or in part, or to dismiss the said appeals, with costs or otherwise, as may be just: Provided always, that a record of every judgment, order, or sentence pronounced by the Lord Warden so aided and assisted as aforesaid, and signed by such Lord Warden, be remitted to the court of the vice warden, to be by such court carried into effect, according to law: Provided also, that upon any appeal from any judgment upon the verdict of a jury, the Lord Warden, so aided and assisted as aforesaid, shall not reverse, alter, or inquire into the said judgment, except only for error of law apparent upon the record; and that every judgment of the Lord Warden shall be subject to an appeal to the Lords spiritual and temporal in Parliament assembled.

VIII. That any party to any action at law brought in the said court may apply for a new trial in any such action to the vice warden within eight days after the trial of such cause, if the said vice warden shall be then sitting, or within the first four days of the next term, and the said vice warden may grant a new trial upon any of the grounds on which new trials are now granted by the Courts at Westminster, and upon such terms and conditions as by the said vice warden shall be thought reasonable;

and the said vice warden, if he shall think that an impartial trial cannot be had in Cornwall, may direct that the *Nisi Prius* record on any cause shall be sent to the Judges of assize for the county of Devon, who shall have authority to try such cause, and after the trial to cause such record to be transmitted to the court of the vice warden, who shall proceed on the said record as if the cause had been tried in his own court: Provided always, that the orders of the said vice warden upon such application for a new trial shall be subject to such appeal as hereinbefore provided as to other decrees, orders, and acts of the said vice warden.

ix. That the service of every writ of subpoena to attend and give evidence hereafter to be issued out of either side of the said court of the vice warden, and served upon any person in any part of England or Wales, shall be as valid and effectual in law, and shall entitle the party suing out the same to all and the like remedies by action or otherwise howsoever, as if the same had been served within the jurisdiction of the said court of the vice warden; and that in case the person so served shall not appear according to the exigency of such writ, it shall be lawful for the said court of the said vice warden, upon oath or affirmation to be taken in open court, or affidavit, of the personal service of such writ, to transmit a certificate of such default under the seal of the said court to the Court of King's Bench at Westminster; and the said last-mentioned Court may and shall thereupon proceed against and punish by attachment or otherwise, according to the course and practice of the same court, the person so having made default, in such and the like manner as the same Court might have done if such person had neglected or refused to appear in obedience to a writ of subpoena issued to compel the attendance of witnesses out of such last-mentioned court.

x. Provided, That the said Court of King's Bench shall not in any such case as aforesaid proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing to give evidence in obedience to any such writ of subpoena as aforesaid for that purpose, issued under the authority of this Act, unless it shall be made to appear to the said Court of King's Bench that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpoena was served upon such person.

xi. That whenever a plaintiff or defendant in any action or suit in which judgment shall be recovered in the said court of the vice warden shall remove his person or goods or chattels from or out of the jurisdiction of the said court of the vice warden, it shall and may be lawful for any of the superior courts at Westminster, upon a certificate from the registrar, under the seal of the said court of the said vice warden, of the amount of final judgment obtained in any such action, to issue a writ of execution thereupon, for the amount of such judgment and the costs of such writ and certificate, to the sheriff of any county, city, liberty, or place, against the person or goods of the party against whom such final judgment shall have been obtained, in such manner as upon judgments obtained in any of the said superior courts at Westminster.

xii. That in case any rule of the said court of the vice warden cannot be enforced by reason of the non-residence of any party or parties within the jurisdiction thereof, it shall be lawful, upon a certificate of such rule by the registrar, under the seal of the said court of the said vice warden, and an affidavit that by reason of such non-residence such rule cannot be enforced, to make such rule a rule of any one of the said courts at Westminster, if such superior court shall think fit, and that thereupon such rule shall be enforced as a rule of such superior court.

xiii. That neither the vice warden for the time being, nor the court of such vice warden, shall have, use, or exercise any power or authority save as hereby provided, and that any person against whom proceedings shall be instituted in the court of the vice warden shall, after the appearance entered, be at liberty to demur or plead to the jurisdiction of the said court; but that no question as to the jurisdiction of the said court with respect to the matters embraced in such proceedings shall hereafter be raised unless such person shall within fourteen days after appearance entered by or on behalf of himself, or entered by the person instituting such proceedings in manner hereby provided, demur or plead to such proceedings by filing a statement of the grounds of such demurrer or plea at the registrar's office, and serving a copy thereof on the person instituting such proceedings, or his solicitor or attorney.

xiv. That the vice warden for the time being shall have power and authority from time to time, and as often as circumstances shall require, to make and prescribe such rules and orders touching and concerning the forms and manner of proceeding in the court of the vice warden, and the practice and pleadings in all matters to be brought therein, the appointing commissioners to examine witnesses, the taking of examinations *de bene esse*, and allowing the same as evidence, the process of the said court and the mode of executing the same, the fees reasonable to be demanded by attorneys, solicitors, and others, and by the officers of the said court, for business by them transacted in the said court, and such other rules, orders, and regulations as shall from time to time seem necessary and proper for expediting the business of the said court with most convenience and at most reasonable expense to the parties concerned therein, and that the vice warden for the time being shall have power to revoke, alter, and amend the rules, orders, and regulations so from time to time made; provided that the rules, orders, and regulations so at any time made by such vice warden for the time being are not inconsistent with this Act or any of the provisions herein contained, and that such of them as shall apply to the equity side of the said court be approved of by the Lord Chancellor of England, and that such of them as apply to the common law side of the said court be approved of by a Judge of one of the superior courts of common law at Westminster; provided always, that such rules and orders, when so approved, shall be transmitted to one of His Majesty's principal Secretaries of State, and be laid before both houses of Parliament within one month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament: Provided nevertheless, that all rules, regulations, and orders, and all forms of practice, heretofore in use, and all fees heretofore authorized or accustomed to be taken, in the court of the vice warden for the time being, or in any of the courts of the stannaries, shall (except so far as the same or any of them are hereby annulled or are inconsistent herewith) be and be considered binding and valid rules, regulations, and orders, and forms of practice, and authorized fees, until the same be altered, amended, or revoked by virtue of the powers hereby given.

xv. That the vice warden for the time being shall in all cases in equity brought before him, whether by bill, petition, or otherwise, have power and authority to take the whole or any part of the evidence therein, either *viâ deorum oeth* or otherwise before himself or before the registrar, or before persons duly authorized by him for administering oaths and taking affidavits,

or on depositions taken before the registrar or commissioners appointed for that purpose, or otherwise as the vice warden may from time to time direct by any general rule to be made by virtue of this Act: Provided always, that the said vice warden for the time being may, on interlocutory matters, and in such other cases as to him shall seem desirable, receive evidence either in whole or in part on affidavits, and that either with or without further evidence *visd voce* or on depositions: Provided nevertheless, that the practice heretofore adopted as to taking evidence in the court of the vice warden and of the steward's courts shall nevertheless in the meanwhile continue in each and every case until the same shall be altered by virtue hereof or of the powers herein contained.

XVI. That it shall and may be lawful for the vice warden to direct an issue of any fact arising before him in any suit instituted by bill, petition, or otherwise on the equity side of the said court, to be tried by a jury, and to issue process to compel the attendance of jurors and witnesses for that purpose, and that the vice warden shall have all necessary powers for trying the same and carrying the verdict thereof into execution; and that after any such issue shall be tried a new trial may be moved before the vice warden for the time being, who shall have power to grant or refuse such new trial according to the rules of the common law and practice of the Courts of Westminster in granting or refusing new trials.

XVII. That it shall and may be lawful for the vice warden for the time being, whether he be at the time in the county of Cornwall or otherwise, in all cases which may be brought before him, whether in the said county of Cornwall or otherwise over which cases he has jurisdiction, to make such order by way of injunction or otherwise, as the nature of the case may require, notwithstanding he may have adjourned his court to some future time or some other place; and that for the entry of pleadings, orders, proclamations, and other matters touching the practice of the court in process and execution the said court shall be considered and be at all times open; provided that nothing be therein done on any Sunday, Christmas-day, Good Friday, or any day appointed for a Public Fast or Thanksgiving.

XVIII. That in case the vice warden shall in any proceedings instituted for that purpose make any decree or decretal order against any person for the payment of any money due or payable in respect of the working or management of or the providing goods for any mine worked for any metal or metallic mineral, and the person against whom such order or decretal order shall be made, or any person in trust for him, shall have any share or interest in such mine, and shall not pay the sum so decreed to be paid, it shall and may be lawful for the vice warden, under such regulations and in such way as to him shall seem fit, to cause a sale of such share or interest, or of so much thereof as shall be necessary to raise such sum and the costs attending such sale.

XIX. That the seal of the stannaries heretofore used by and considered as the seal of the vice warden for the time being shall be and be deemed and taken to be the seal of the court of the vice warden, and that every process issuing from either the equity or common law side of the said court shall issue under such seal; and that all orders, proceedings, documents, and copies by the laws of the stannaries as now existing, or by the act or by any rule or order of either side of the said court, or of the vice warden as Judge of the said court, as shall be required to be sealed, shall be sealed therewith.

XX. That all barristers at law and all attorneys and solicitors of any of the superior courts of law or equity at Westminster may appear and plead in any proceedings in the said court of the vice warden; and in case any person, not being an attorney or solicitor of such superior courts, shall practise in the said court of the vice warden as attorney or solicitor, he shall be deemed guilty of a contempt of the said court, and be liable to all the penalties incident thereto, on complaint thereof made to the said court; and that all the laws and statutes now in force concerning attorneys or solicitors shall so far as the same are applicable extend to attorneys or solicitors practising in the said court of the said vice warden.

XXI. That the court of the vice warden shall have jurisdiction throughout the county of Cornwall, and be held at Truro in the said county, and shall be a court of record, and shall have within the limits of its jurisdiction all the powers, rights, privileges, and incidents of a court of record as fully and amply to all intents and purposes as the same are used or exercised or enjoyed by any of His Majesty's courts of law at Westminster; and that the vice warden for the time being shall have, use, exercise, and enjoy all the powers, rights, privileges, and exemptions of a court of record; and that the sitting of the said court shall be held as often as shall be found necessary, and at least once in every three calendar months, on such days as the vice warden shall from time to time appoint.

XXII. That it shall and may be lawful for the Duke of Cornwall for the time being, or for His Majesty, his heirs and successors, King or Queen regnant of England for the time being in case there shall be no Duke of Cornwall or the Duke of Cornwall for the time being shall be under age, by letters patent under the privy seal of the Duchy of Cornwall or under the Great Seal of England, as the case may be, from time to time, to appoint a fit and proper person, being a barrister at law or a solicitor or attorney of one of the superior courts at Westminster, to be and act as the registrar of the said court of the vice warden, and to attend upon and assist the said vice warden in his said court, whether sitting as a court of law or equity, and to enter and draw up all orders, decrees, sentences, and judgments of all kinds made and pronounced by him, and to take such accounts and to execute such references as the said vice warden shall direct, and that the person so appointed as registrar shall hold his office during his good behaviour: Provided always, that it shall and may be lawful for the Duke of Cornwall for the time being, if of full age, or His Majesty, his heirs and successors, King or Queen regnant of England for the time being, if there be no Duke of Cornwall or if the Duke of Cornwall for the time being be under age, on a requisition to him for that purpose, stating therein sufficient grounds, and signed by the vice warden for the time being and by five or more of the council or of the commissioners or of the principal officers of the duchy, but not otherwise, to remove the person for the time being holding the said office of registrar.

XXIII. Provided, That, notwithstanding anything herein contained, the appointment to the office of such registrar shall, during the time the present Lord Warden of the stannaries holds such situation of Lord Warden, be in such Lord Warden, subject nevertheless to all the provisions as to the qualification of the person appointed, and his removal, as hereinbefore contained.

XXIV. That it shall and may be lawful for the vice warden for the time being to appoint by writing under the seal of his court a fit and proper person to be and act as his secretary, and also in like manner to appoint one other fit and proper person to be

and act as prothonotary or assistant registrar in the said court, and also in like manner to appoint one other fit and proper person (who shall enter into such security as the vice warden for the time being shall think fit) as collector for the said court.

And after reciting that it is expedient that the vice warden for the time being, and the registrar, and the other before-mentioned officers of his court, should be paid by fixed salaries, and that all fees received by such registrar and the other officers aforesaid for business done in the court should be accounted for in manner hereinafter mentioned: And that His Majesty has been graciously pleased to direct that one moiety or half part of the salaries of the vice warden and of the before-mentioned officers of his court should be paid out of and be a charge upon the revenues of the duchy, subject nevertheless to be in part indemnified by contribution of part of such fees so to be accounted for as aforesaid; and that it is expedient that for the purpose of raising money sufficient, with the remaining portion of such court fees, to pay the other moiety or half part of the aforesaid salaries of the said vice warden and the aforesaid officers of his court, a small assessment should be made on all metals and metallic minerals (except tin ore) over all matters connected with which the jurisdiction of such court is hereby extended as aforesaid, and which shall be from time to time brought to sale in or withdrawn from any mine in the said county of Cornwall;—

It is Enacted,

XXV. That there shall be paid and payable, in the manner hereinafter mentioned, the yearly sums following as and for the salaries to the vice warden and the before-mentioned officers of his said court for the time being; (*videlicet*,) to the vice warden the sum of 1,500*l.*, to the registrar the sum of 500*l.*, to the person who shall be so appointed the secretary to the vice warden the sum of 100*l.*, to the prothonotary or assistant registrar the sum of 200*l.*, and to the collector the sum of 30*l.*; which said several sums shall be paid from time to time half-yearly, in manner hereby provided, free and clear from all taxes and deductions whatsoever, on the 25th of March and on the 29th of September in each year, by equal portions, the first of such respective portions to be paid on the 25th of March next; and that if any person at any time holding any of the said offices shall die, resign, or be removed from the same, the executor or administrator of the person so dying, or the person so resigning or being removed, shall be entitled to have such proportionate part of his salary as shall have accrued during the time that such person shall have held his office since the last payment; and that the successor of any such person so dying, resigning, or being removed as aforesaid, shall be entitled to receive such portion of his salary as shall be accruing or shall accrue from the day of such death, resignation, or removal.

XXVI. That a moiety or half part of the aforesaid salaries to the vice warden for the time being and to the aforesaid officers of his said court shall be a charge on the revenues of the Duchy of Cornwall, and that the same shall be paid by the receiver general for the time being of the said duchy, under debentures for that purpose from the auditor for the time being of the said duchy, in which the said auditor is hereby authorized to issue; and that the said receiver general shall, on the 25th of March and the 29th of September in each year, under the debentures so issued, pay, free from all deductions, the sums following; (*videlicet*,) to the vice warden for the time being the sum of 375*l.*, to the registrar the sum of 125*l.*, to the person so appointed secretary to the vice warden the sum of 25*l.*, to the prothonotary or assistant registrar the sum of 50*l.*, and to the collector the sum of 7*l.* 10*s.*

XXVII. That the person so as aforesaid appointed secretary to the vice warden, and the said prothonotary or deputy registrar and the said collector, shall once in every half year account for and pay over to the registrar for the time being of such court all fees received by them by virtue of their respective appointments during the previous half year; and that the registrar for the time being shall forthwith make out a full and true account of all fees received by him during such preceding half year, and of all fees received by the aforesaid officers of the said court, and accounted for and paid to him as aforesaid, for the same period; and that such registrar shall have such account audited by the said vice warden for the time being, in which account and audit there may and shall be charged and allowed such small sums of money as to the vice warden shall seem reasonable for the keeping order in, and the lighting, airing, and cleansing the place in which such court shall be held, and shall transmit a copy of such account so audited to the auditor for the time being of the said duchy, and shall pay or cause to be paid to the said receiver or his deputy one third part of the total amount of fees so appearing to have come to the hands of such registrar; for which sum so paid the receiver shall on passing his accounts give credit to the duchy in part discharge of the moiety of the salaries so as aforesaid charged on the revenues of the said duchy.

XXVIII. That there shall be paid and payable the sum of $\frac{1}{4}$ *d.* in the pound sterling on the value of all metals and metallic minerals (except tin and tin ore) which shall be from time to time brought to sale in or withdrawn from any mine within the said county of Cornwall; and that the head manager of every mine within the said county of Cornwall shall, within ten days after each quarterly account of the mine over which he is head manager shall have been or ought to have been made up, transmit to the registrar for the time being of the vice warden's courts a full, true, and particular account and return of all metals and metallic minerals (except tin and tin ore) which shall have been brought to sale in or shall have been withdrawn from the mine of which he is such head manager during the preceding quarter, and shall in such return state the value in money of the respective quantities of the metals and metallic minerals specified therein at the time the same were respectively brought to sale or withdrawn, as the case may be; and that the head manager of every such mine shall on application from the collector of the vice warden's court pay or cause to be paid to such collector the sum of $\frac{1}{4}$ *d.* in the pound sterling on the aggregate value of all metals and metallic minerals (except tin and tin ore) which shall have been brought to sale or withdrawn from such mine during the preceding quarter; and that every such payment by such head manager shall be considered as costs, and shall on passing his accounts with respect to the mine of which he is such head manager be allowed to him accordingly.

XXIX. That the registrar for the time being shall out of the monies which shall from time to time be in his hands by means of such assessments as aforesaid, and by means of the remaining of the court fees as aforesaid, pay to the said vice warden and to himself and the other officers aforesaid of the said court the sums following, being other moiety of the said salaries, in manner following; (that is to say,) shall pay on the 25th of March and on the 29th of September in each year, free from all deductions, to the said vice warden the sum of 375*l.*, to himself the registrar the sum of 125*l.*, to the person filling the situation of secretary to the vice warden the sum of 25*l.*, to the prothonotary the sum of 50*l.*, and to the collector the sum of 7*l.* 10*s.*

XXX. That the said registrar for the time being shall at the end of every half year lay before the vice warden for the time being a full, true, and particular account of the balance remaining in his hands at the commencement of such preceding half year, and of all monies received by him during such last half year in respect of such assessment as aforesaid, and when and from whom and from what mine received, and also shall in such account give credit for the remaining portion of the said court fees so in his hands after such payment to the auditor of the duchy as aforesaid, and shall also in like manner lay before the vice warden a full, true, and particular account of all salaries and other expenses paid by such registrar during the same period; and that a balance shall be thereby struck, shewing the balance remaining in the hands of such registrar at the end of the then last half year; and that thereupon the vice warden for the time being shall and is hereby required to audit the said account, and also the said account for court fees hereinbefore mentioned, and if the same shall be found correct to allow the same respectively, by putting his signature thereto; and that such accounts when so allowed shall be filed amongst the records of the said court, and be open for the inspection of all persons in the usual way: Provided always, that if it shall at any time appear to the vice warden for the time being, on auditing such account of the registrar, that there remains a general balance in his hands sufficient to meet all payments hereby authorized to be made thereout for the next half year, then and in such case the vice warden shall have power and is hereby required to give notice thereof by advertisement in the county papers, or in such way as he shall think fit; and that thereupon no assessment shall be made or become payable in respect of the said one farthing in the pound sterling on the value of all metals and metallic minerals as aforesaid during such succeeding half year: Provided nevertheless, that, although no such assessment shall in such case be made during such period, the said manager of every mine is required to and shall make such return as aforesaid to the said registrar of all metals and metallic minerals (except tin and tin ore) brought to sale or withdrawn from the mine over which he is such head manager, precisely as if such assessments were or would be payable in respect of the ore specified in such return.

XXXI. That if the head manager of any mine shall omit to make such full, true, and particular return as hereby required of the quantities of metals and metallic minerals (except tin and tin ore) brought to sale or withdrawn as aforesaid in the mine of which he is such head manager, or of the value thereof, as is hereby required, or shall, on demand made, omit to pay or cause to be paid such assessment as aforesaid, or shall wilfully make any false or incorrect return, then and in every such case such head manager shall be subject for every such offence to a penalty not exceeding 50*l*.

XXXII. That the vice warden for the time being may and shall in the present and every succeeding year order the clerk of the peace of the county of Cornwall to make out a duplicate of the juror's book at the time in use, or about to be brought into use, or of such part of the said book as such vice warden may think fit to specify in such order; and the clerk of the peace, upon the receipt of such order, shall with all convenient speed make out such duplicate, and deliver the same to the registrar of the court of such vice warden; and that every such duplicate shall be the book of jurors qualified and liable to serve as jurymen in all cases before the vice warden for the time being, and that every such duplicate shall be kept by the registrar, and shall be by him used as the juror's book for the time being.

XXXIII. That the registrar of the said court shall cause to be summoned, one week before the first day of each sitting of such vice warden, forty-eight persons named in the juror's book by him kept as aforesaid to attend at the time and place appointed for holding such sitting; and every such summons shall be according to the form given in the Schedule hereto annexed, and shall be served either personally on each such person or by leaving it at his dwelling house; and that in summoning such persons regard shall always be had as far as may be to the convenience of the individuals so summoned; and no person shall be summoned oftener than once in a year.

XXXIV. That the registrar of the said court shall make a list of the jurors so summoned, together with the places of abode and additions, and shall cause their names to be written severally on slips of paper and put into a box, and the names of the jurors for the trial of causes shall be drawn out of the box by the registrar; and each party may, until no more than twelve remain, object to any person whose name is drawn out, without assigning any cause; and if any objection is made to the twelve so remaining, it must be stated to and decided on by the vice warden for the time being; and if any such objection be allowed, the names of the jurors rejected without cause assigned shall be returned to the box, and drawn again until a sufficient number be found to make a jury of twelve; and such jury of twelve shall be the jury sworn for the trial: Provided always, that if there shall not be twelve persons attending, or against whom no objection shall have been allowed, it shall be lawful for the said vice warden to order the requisite number of persons from among the by-standers to be summoned by the registrar, and sit on the jury, subject to any objections which may be made for causes assigned, except for want of qualification or want of summons: Provided also, that the said vice warden may, if he sees fit, direct the registrar to divide the list of forty-eight jurors into two lists, and to require the persons in the one list to attend and serve for so many days at the beginning of the sittings as the said vice warden shall order, and those in the other list to attend and serve for the residue of the sittings, according as the said vice warden shall think fittest for the convenience of the said persons; and then and in that case the registrar shall divide the said list of forty-eight jurors into two lists, and cause the persons named in each of such lists to be summoned to attend on different days accordingly.

XXXV. That if any person having been duly summoned to attend as a juror in the court of the vice warden shall not attend in pursuance of such summons, or being thrice called in court shall not answer to his name, or if any such person being present in court, or any such by-stander in court, after having been called shall not duly appear, or after his appearance shall wilfully withdraw himself from the presence of the said court, it shall be lawful for the said vice warden to impose such fine upon every such person or by-stander so making default (unless some reasonable excuse shall be given to the satisfaction of the said vice warden) as to the said vice warden shall seem meet; and if such fine shall not be paid at the time ordered by the said vice warden, the same shall and may be levied by writ of fieri facias to be issued out of the common law side of the said court of the vice warden.

XXXVI. That the vice warden for the time being shall and may appoint a fit and proper person to be crier and usher of his said court, who shall hold his office during the pleasure of the vice warden for the time being, and may be removed in a summary manner, and may and shall receive such fees for acting as crier and usher of the said court as the said vice warden shall from time to time by virtue of the provisions herein contained authorize.

XXXVII. That the vice warden for the time being shall not during his continuance in such office practise as a barrister, and that the registrar for the time being of the said court shall not during his continuance in such office practise as a barrister or solicitor or attorney in such court, or in any other court of law or equity in the united kingdom of England and Ireland.

XXXVIII. That the vice warden for the time being shall not demand or take, upon any pretence, any fee, gratuity, or reward whatever; and that such registrar and other aforesaid officers of the said court appointed under this Act shall not demand or take, upon any pretence whatever, any fee, gratuity, or reward other than and except such as are hereby authorized, or as shall be from time to time settled and allowed by the vice warden for the time being by virtue hereof or of the provisions herein contained; and that if any such person shall offend in that behalf he shall be removed from the office he shall then hold, and be disabled from again holding the same or any other office under this Act.

XXXIX. That a table of all fees for the time being authorized by the vice warden to be taken by any solicitor or attorney practising in his said court, or by any officer of his said court, for business done therein, shall be hung up in some conspicuous place in such court.

And after reciting that the gaol belonging to the courts heretofore the courts of the vice warden and of the stannaries is situate at Lostwithiel in the said county of Cornwall: And that it would tend more to the public convenience that the court of the vice warden should use as its gaol or prison for all purposes the prison belonging to the county of Cornwall, and situate at Bodmin, in lieu or place of the said gaol at Lostwithiel;—

It is Enacted,

XL. That every person hereafter arrested or taken prisoner or detained by virtue of any writ, process, order, decree, or proceeding issuing out of or from or by either side of the said court of the vice warden of the stannaries, or committed for contempt of the said court, shall be taken to the county prison at Bodmin, in the said county of Cornwall, or to other the prison for the time being of the said county, in the same manner, and subject to the same provisions and regulations in every respect, as if such person were arrested and conveyed to the prison by virtue of any writ, process, order, decree, or proceeding issuing out of any of the superior courts of law or equity at Westminster, or committed for contempt by any of the said last-mentioned courts; and the gaoler or keeper for the time being of such county prison as aforesaid is hereby authorized and required to receive into such county prison every person so arrested and conveyed to prison by virtue of any writ, process, order, decree, or proceeding issuing out of or from or by either side of the said court of the vice warden, or so committed for contempt of the said court as aforesaid, and to maintain, support, and provide for every such person in the same manner as if he had been arrested and brought to the said county prison by virtue of any writ, process, order, decree, or proceeding issued out of any of the superior courts of law or equity at Westminster, or were committed for contempt of any of the said last-mentioned courts; and that all and singular the charges and expenses of maintaining, supporting, and providing for every person so arrested or committed to the said county prison as aforesaid shall be paid and defrayed out of such portion of county rate of the said county of Cornwall as for the time being shall be applicable to the support of the debtors confined in the said county prison.

XLI. That all jurisdictions, powers, and authorities heretofore lawfully exercised by the vice warden or steward or any Judge of any of the stannaries shall be hereafter exercised by the vice warden for the time being; and that all penalties heretofore authorized to be recovered, and all oaths heretofore required or authorized to be taken, and all acts, matters, and things heretofore required or authorized to be had or done in any of the courts of the stannaries, or before the vice warden or the steward of any of the stannaries, shall be and are hereby required and authorized to be recovered, taken, had, and done before the vice warden or in the court of the vice warden, as the case may be; and that all proclamations, returns, certificates, exhibits, matters, and things heretofore required to be made, transmitted, or given to or deposited with any of the courts of the stannaries, or the vice warden or steward of any of the stannaries, shall be and are hereby required to be made, transmitted, and given to and deposited with the court of the vice warden; and all bonds and recognizances heretofore required to be entered into before the steward or any of the courts of the stannaries shall be entered into before the registrar of the said court.

XLII. That it shall be lawful for the Court of King's Bench at Westminster, on the application of any party to any action or suit on the common law side of the said court of the vice warden, on special and sufficient cause shown by affidavit to the satisfaction of such Court of King's Bench, that an impartial or sufficient trial cannot be had in such court of the vice warden, to remove, by writ of certiorari, all proceedings which may have been had in such action or suit, and to deal therewith, and to make such orders respecting the same and the future trial of and proceedings in such action or suit as to the said court of King's Bench shall seem meet.

XLIII. That all Acts, statutes, laws, liberties, privileges, customs, rights, usages, and freedoms at the time of passing this Act in force in any of the stannaries of the said county of Cornwall shall, notwithstanding anything herein contained, continue and be and have the same force and effect as if this Act had not passed, save and except so far as the same or any of them are contrary or repugnant to the laws of this realm or inconsistent with the provisions herein contained, or are annulled, repealed, or altered hereby or by means of any of the powers and authorities hereby given.

XLIV. That wherever this Act, in describing or referring to any person or matter or thing, uses the words importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and to females as well as males, and bodies corporate as well as individuals, and several matters or things respectively as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction; and that wherever the word "plaintiff" or "defendant" is used, it shall mean the person instituting the proceedings, or the person against whom proceedings are instituted respectively, in whatever way such proceedings are commenced; and wherever the word "mine" is used, it shall mean any mine, work, or adventure wherein or connected with which any metals or metallic minerals are worked; and that wherever the words "head manager of any mine" is used, it shall mean the captain, purser, or other person who for the time being shall have the principal superintendence over such mine; and that the powers hereby given to the Lord Chancellor of England, shall and may be used by the Lords Commissioners for

the custody of or the Lord Keeper of the Great Seal for the time being : Provided always, that nothing herein contained shall apply to or affect or extend or be considered as extending to the county of Devon, or the stannaries within the said county, except as to the service in the said county of Devon of any writ of subpoena issuing out of such vice warden's court as hereinbefore provided.

XLV. That this Act shall commence and take effect on the 29th of September 1836.

XLVI. That this Act may be amended, altered, or repealed during the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

Form of Summons to Jurors.

You are hereby required to attend and serve as a Juror at the Sitting to be holden before	Vice Warden of the
Stannaries, at his Court, on the	Day of
	next.
	Registrar of
	Day of
To A. B.	183 .

CAP. CVII.

AN ACT to extend the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Year of His present Majesty, for the Amendment and better Administration of the Laws relating to the Poor in *England and Wales*.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Period for repayment of loans already made may be extended to twenty years instead of ten years.—And in future advances the repayment may be extended to twenty years.*
2. *Extension of repayment of loans not to prejudice the securities.*

By this Act,

After reciting that by 4 & 5 Will. 4. c. 76. it is enacted, that when any sum of money shall have been borrowed for certain purposes therein mentioned, the principal sum shall be repaid by annual instalments of not less than one-tenth of the sum borrowed, with interest on the same, in any one year: And that several loans have been made by the Exchequer Loan Commissioners and by private persons to divers parishes and unions, the amount whereof or of a large part thereof is still due, and that it is expedient that authority should be given in certain cases to allow a longer period for the repayment of such money :

It is Enacted,

I. That when any money shall have been so borrowed by any parish or union under the direction or with the sanction of the Poor Law Commissioners, it shall be lawful for the Exchequer Loan Commissioners, with the approbation of the Lords Commissioners of His Majesty's Treasury or of any three or more of them, or for any private persons, if they shall see fit, to extend the repayment of the principal sum borrowed under the provisions of the said recited Act, and then remaining due, to such a period as calculating from the date of the charge on the poor rates of such parish or union would extend the repayment thereof to a period not exceeding twenty years instead of ten years, as provided for by the said recited Act; and in every future advance it shall be lawful for the Exchequer Loan Commissioners, with the approbation of the Lords Commissioners of His Majesty's Treasury or of any three or more of them, and also for any private persons, if they shall see fit, to extend the repayment of any principal sum so to be borrowed to a period not exceeding twenty years as aforesaid: Provided always, that not less than one-twentieth part of such principal sum and the interest due in each year upon the whole sum remaining due shall be paid off in every year.

II. That any loans which have or shall in future be made by the said Exchequer Loan Commissioners or by any private persons under the said recited Act, and the period of repayment of which shall be extended under the provisions of this Act, such extension shall be without prejudice to any security or securities taken or which may in future be taken for such sums or advances respectively, and such loans shall by virtue of such extension be repayable at the extended periods in such and the like manner as if such extended periods of repayment had been inserted in such security or securities respectively instead of the periods provided by the said recited Act and set forth in such security or securities respectively.

CAP. CVIII.—IRELAND.

AN ACT to amend an Act passed in the First and Second Years of His present Majesty, for the Extension and Promotion of Public Works in Ireland.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. In addition to the sum of 500,000*l.* in Exchequer bills made applicable for the promotion of public works in Ireland by the first-recited Act, 100,000*l.* of the Exchequer bills made out under 3 & 4 Will. 4. c. 100. may be so applied.
2. Provisions of 1 & 2 Will. 4. c. 33. extended to loans under this Act.
3. Advances may be made at such rate of interest as the Treasury shall appoint, not being less than 10*s.* per cent. above the interest on Exchequer bills.
4. The Commissioners may receive and consider applications without the production of estimates, &c. as required by the said Act;—and if they shall approve thereof, may appoint a surveyor to inspect, survey, and report thereon, provided applicants deposit expense of such survey, &c.
5. Commissioners may take deposits or transfers of the shares, stock, &c. of public companies as chief or collateral security.
6. Instead of obligations to the king, bonds may be made to the Secretary of Commissioners.—Bond to be made to the king when required by the Treasury.
7. Bond to be sued upon.
8. Upon performance of the condition the bond to be cancelled.
9. Grants may be made for harbours, &c. on navigable lakes and rivers, in like manner as on coast harbours, &c.
10. Power to levy tolls.—Amount of tolls.—Power to increase the tolls for improvements.
11. Power to let the tolls.—Covenants in leases.
12. Application of tolls.
13. Power of enforcing payment of tolls.
14. Commissioners may make such bye-laws for payment of tolls and use of such piers, &c. as said Commissioners are enabled to do under 1 & 2 Will. 4. c. 33. vesting the powers of directors general of inland navigation in such Commissioners.
15. Advances for repair of bridges may be made by Commissioners of Public Works.
16. Treasury authorized to enlarge the time for payment of the principal, and to reduce the interest on existing and new loans.
17. In existing loans Treasury to have power to dispense with or release from liability to contribute towards the completion of works beyond the estimate.
18. Securities to be taken in the form set forth in the Schedule.
19. Powers given to any Commissioners that may be appointed to report upon and survey the principal lines best adapted for the construction of railways to enter lands.
20. Penalty for preventing such Commissioners or their surveyors in making such survey, &c.
21. Construction of terms.
22. Act may be altered.

By this Act,

After reciting that by 1 & 2 Will. 4. c. 33. the Commissioners of His Majesty's Treasury are authorized and empowered to cause or direct to be made out from time to time, as might be necessary for the purposes of the said Act, any number of Exchequer bills, the amount whereof at any time outstanding should not exceed in the whole the sum of 500,000*l.*: and that Exchequer bills to an amount little short of the said sum of 500,000*l.* have been issued and applied to the purposes of the said Act: And that by 3 & 4 Will. 4. c. 100. the said Commissioners of the Treasury were authorized and empowered to cause or direct other Exchequer bills to be made out for any sum or sums of money not exceeding in the whole the sum of One Million, to be applied to the relief of the owners of tithes in Ireland in manner by the said last-recited Act directed: and that the sum of 635,712*l.* 14*s.* 11*d.*, part of the said sum of One Million, has been applied, pursuant to the said last-recited Act, to the purposes thereof: And that over and above the sum required for the purposes of the said last-recited Act, Exchequer bills to the amount hereinafter mentioned, or thereabouts, were made out pursuant to the provisions of the said last-recited Act, and delivered to the Teller of His Majesty's Exchequer in Ireland, in whose custody the same now remain; and that it is expedient that such Exchequer bills, to an amount not exceeding 100,000*l.*, should, the same not being required for the purposes of the said last-recited Act, be applied to the purposes of the said first-recited Act:—

It is Enacted,

1. That over and above and in addition to the sum of 500,000*l.* to which the outstanding loans or advances to be made by the Commissioners for the execution of the said recited Act for the extension and promotion of Public Works in Ireland were by such Act limited, it shall and may be lawful for the said Commissioners to make further loans or advances to an amount not exceeding in the whole 100,000*l.*, and for the Lords Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland to authorize and direct the Teller of His Majesty's Exchequer in Ireland to issue and deliver, upon the warrant in writing of the Commissioners for the execution of the said Act, to the person or persons in such warrant named, such of the Exchequer bills made out in pursuance of the said recited Act, 3 & 4 Will. 4. c. 100, for the relief of the owners of tithes, as may now be in the possession of the said Teller of the Exchequer, to an amount not exceeding 100,000*l.*, and such Exchequer bills shall and may be applied accordingly to the purposes of the said Act for the extension and promotion of public works, and of this Act, as if made and issued for such purposes and under the provisions of that Act.

II. That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the said recited Act, 1 & 2 Will. 4. c. 33, for the extension and promotion of public works, in respect of the loans or advances to be made under authority of that Act, and in respect of the Exchequer bills to be issued for the purposes of such Act, shall, so far as the same are applicable or shall not be varied by this Act, be applied and extend to the loans and advances

to be made under this Act, and to the Exchequer bills to be issued and applied as hereinbefore directed to the purposes of the said Act and this Act, as fully and effectually to all intents and purposes as if the said several clauses and provisions were herein repeated and re-enacted, and made specially applicable thereto.

III. That it shall and may be lawful for the said Commissioners for the execution of the said Act for the extension and promotion of public works in Ireland to make any loan or advance upon application duly made conformably to the provisions of the said Act and this Act, and which may be approved of by the said Commissioners and by the Lords Commissioners of the Treasury, at such rate of interest, payable half-yearly, not less than 10s. per centum per annum above the rate of interest on the Exchequer bills which may be issued for the purpose of providing for such loan or advance, as the said Lords Commissioners of the Treasury shall direct, anything in the said recited Act requiring a different or higher rate of interest on any loan or advance to the contrary notwithstanding.

And after reciting that it is provided by the said recited Act that the rules and regulations to be established by the said Commissioners in respect of the applications to be made to them thereunder shall contain provisions requiring in all cases the production of such detailed estimates, maps, plans, or specifications as may be applicable to the nature of the work in respect whereof such applications may be made: And that it may be convenient that the previous preparation of such estimates, maps, plans, or specifications should be dispensed with in certain cases;—

It is Enacted,

IV. That it shall be lawful for the said Commissioners to receive and take into their consideration applications made to them, pursuant to the provisions of the said Act or this Act, without the production of the estimates, maps, plans, and specifications, required by the said Act as aforesaid, in such cases as they in their discretion shall think fit to dispense with the production of the same, and the said Commissioners shall amend the regulations established by them as aforesaid accordingly; and it shall be lawful for the said Commissioners, if upon the consideration of any such application they shall so far approve of the same, to appoint and employ some competent surveyor or surveyors to inspect and survey and make the necessary estimates, maps, plans, or specifications of any work referred to in such application, and investigate the general object, utility, and nature thereof and report thereon to the said Commissioners, provided that the party making such application shall previously deposit, as the said Commissioners shall direct, a sum adequate to defray the expense attendant upon such survey and report, and the making such maps, plans, specifications, or estimates, and all attendant expenses.

V. That it shall be lawful for the said Commissioners for the execution of the said Act, in the place of such real or other security or securities as they are by the said Act empowered and directed to take and require, or as collateral thereto, to accept and take as security for any loan or advance to be made under the provisions of the said Act or this Act deposits or transfers of the shares, stock, bonds, or debentures of such public companies as shall be approved by the said Lords Commissioners of the Treasury, in like manner as by the said Act such Commissioners are empowered to accept and take deposits or transfers of bank or government stock, Exchequer bills, or India bonds, and all such deposits or transfers of the shares, stock, bonds, or debentures of such public companies so assigned, transferred, or deposited shall, in default of payment of such loan, with interest due thereon, in the manner directed and appointed by the said Commissioners for the execution of the said Act, become and be absolutely vested in the said Commissioners or their secretary, as the case may be, and shall and may be sold and disposed of, or the monies due or payable by virtue thereof shall and may be sued for in due course of law, in the name of their secretary for the time being, for the use of the said Commissioners.

VI. That, notwithstanding anything in the said recited Act to the contrary, it shall not be necessary in any case, except as hereinafter mentioned, for any party to whom any loan shall be made in pursuance of the provisions of the said recited Act and of this Act, or of either of them, to execute any writing obligatory to our Sovereign Lord the King, but in lieu thereof any party who would have been liable to execute any such writing obligatory to our Sovereign Lord the King shall and is hereby required, before any payment shall be made in respect of any loan to be made under the provisions of the said recited Act and of this Act, or of either of them, to make and enter into, or cause some sufficient persons or person, to the satisfaction of the said Commissioners, to make and enter into, a bond or obligation in writing to the secretary for the time being of the said Commissioners, together with a warrant of attorney for confessing judgment thereon (the entering of which judgment shall be in the discretion of the said Commissioners), whereby the obligors or obligor therein named shall bind themselves, himself, or herself, their, his, or her heirs, executors, or administrators, in such penalty as the said Commissioners shall direct; and such bond or obligation shall be conditioned to be void if the parties or party to whom any loan shall be made in pursuance of the provisions of the said recited Act and of this Act, or either of them, shall apply or cause to be applied all the money so to be advanced at such times and in such manner and for such purposes as shall be specified in any agreement which shall have been or shall hereafter be entered into between such parties or party and such Commissioners for that purpose, and shall so often as may be required by the said Commissioners, lay before them a statement of the application of the money advanced and of the progress and state of the work mentioned in such agreement, and of such further sums as may be necessary for the completion thereof, together with all contracts which may have been entered into with reference to the execution of such work, and all accounts and vouchers in any way relating thereto, and shall keep and perform all such other covenants and conditions as the said Commissioners shall prescribe and require to be inserted in such bond or obligation: Provided nevertheless, that if in any case the Lords Commissioners of His Majesty's Treasury shall think fit to require that a writing obligatory to our Sovereign Lord the King should be entered into by or by any sufficient sureties or surety on behalf of any party by or on whose behalf any loan shall be applied for as aforesaid, then and in such case the said Commissioners shall and they are hereby authorized to require from such party, or sufficient sureties or surety, such writing obligatory to our Sovereign Lord the King as is by the said recited Act directed to be taken; and all the provisions contained in the said recited Act as to any writing obligatory to our Sovereign Lord the King, and the remedies for putting the same in force, shall be in full force and effect as against such party, or sureties or surety, their, his, or her heirs, executors, administrators, or assigns, and their, his, or her estate and effects, anything in this Act to the contrary notwithstanding.

VII. That so often as any breach or default shall be made in the performance of all or any part of the condition of any bond or obligation which shall be entered into to the said secretary under the provisions of this Act, it shall be lawful for the said Commissioners from time to time at their discretion to direct their solicitor for the time being to proceed against all or any of the obligors or obligor, his, her, or their heirs, executors, or administrators, and upon proof of any such breach or default the jury shall award such sum for damages and costs as they shall think fit, not exceeding the penalty of the said bond or obligation; and such sum so awarded, when levied, shall be paid into the Bank of Ireland to the credit of the said Commissioners, to be applied by them for the purposes of the said recited Act and of this Act: Provided always, that the said Commissioners shall and they are hereby authorized at any time at their discretion to direct against which of the obligors in any such bond, if there are more than one, proceedings shall be from time to time taken on any such bond or obligation, and by writing under their hands and seals, to be exhibited to the Barons of His Majesty's Court of Exchequer in Dublin, to direct any such proceedings to be discontinued, quashed, or abated, and the same shall thereupon be discontinued, quashed, or abated.

VIII. That so soon as the work in respect of which any such bond or obligation shall have been made to the said secretary shall be completed, and the conditions thereof fully satisfied, to the satisfaction of the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required, upon the application of any obligor therein named, to certify in writing that the said condition has been performed, and upon production of such certificate to the proper officer of any of His Majesty's courts in Ireland in which judgment may have been entered up on such bond or obligation, satisfaction shall be entered upon the record of such judgment; and in case judgment shall not have been entered up thereupon the said bond or obligation shall be delivered up by the party holding the same to such obligor to be cancelled, and shall be cancelled accordingly.

IX. That it shall and may be lawful for the Commissioners for the execution of the said Act to receive applications and make grants in aid of the construction and erection of small harbours, piers, and quays, on navigable rivers and lakes, on the same terms and subject to the like conditions and regulations as to the amount of such grants, and all other particulars, as by the said Act provided in respect of applications and grants in aid of the construction and erection of small harbours, piers, and quays on the sea coast of Ireland, and with the like powers and authorities in relation thereto save as such conditions and regulations, powers and authorities, may be altered by this Act.

X. That when and so often as any pier, harbour, or quay shall have been constructed, either wholly or in part, under the provisions of the said recited Act or of this Act, or of either of them, it shall and may be lawful for the said Commissioners and they are hereby authorized to levy or cause to be levied and paid, for the use of such pier, harbour, or quay, such tolls as the Lords Commissioners of His Majesty's Treasury shall from time to time approve of: Provided always, that the amount of such tolls shall not exceed the probable average annual expense of maintaining and repairing such pier, harbour, or quay, and of the contingent expenses to be incurred by the said Commissioners in relation thereto, and of the amount of interest at the rate of not less than 5l. per centum per annum on the capital, whether public or private, expended on such work; and provided further, that in case it shall appear to the said Commissioners that it would promote the public advantage that a greater amount of tolls should be levied, under the provisions of this Act, for the use of any such pier, harbour, or quay, or that such tolls should be at any time increased with a view of thereby creating a fund for the improvement of such pier, harbour, or quay, it shall be lawful for the said Commissioners and they are hereby authorized to increase or to lower such tolls to such extent and for such period as the said Commissioners shall from time to time direct, with the approbation of the Lords Commissioners of His Majesty's Treasury.

XI. That it shall be lawful for the said Commissioners, if they shall so think fit, by public bidding, from time to time to let and from time to time to relet all or any of the tolls payable under the provisions of this Act, for terms not exceeding ten nor less than five years, on such conditions and with such security for payment of the rent reserved on such lease as the said Commissioners shall think fit, and the Lords Commissioners of His Majesty's Treasury shall from time to time approve: Provided always, that every such lease shall contain a covenant on the part of the lessee or lessees to keep such work in repair (so far as the ordinary wear and tear of such work may render necessary), and shall also contain a power of re-entry on the non-payment of such rent, or non-performance of such covenant for repairs, within three calendar months after the same shall become due, or after any breach of any such covenant, and a power to such Commissioners at any time to put an end thereto on giving three calendar months notice to the lessees or lessee thereof of an intention so to do: Provided always, that nothing in this Act contained shall be construed to extend to or affect any tolls already raiseable and payable or which shall hereafter be made raiseable or payable by virtue of the provisions of any Act of Parliament passed before the passing of this Act.

XII. That the tolls payable under the provisions of this Act, or the rent payable upon any lease thereof, shall be applied in manner following; (that is to say,) first, in repairing and maintaining the pier, harbour, or quay in respect of which such tolls or rent shall be payable; and, in the next place, in defraying all the contingent expenses of the said Commissioners in relation to such work; and, in the next place, in paying interest on the capital, whether private or public, expended in the execution of such work, to the parties entitled to receive the same, at a rate not exceeding 5l. per centum per annum, so far as the same will extend; and the surplus of such tolls or rent shall be in the meantime invested in public or government securities, and suffered to accumulate so as to form a fund for the future improvement of such work, and such fund shall be applied for such purpose, at such time, and in such manner as the said Commissioners shall from time to time direct, and the Lords Commissioners of His Majesty's Treasury shall from time to time appoint.

XIII. That it shall be lawful for the said Commissioners, in cases in which such tolls shall not be leased or let, and for the lessees or lessee of such tolls if leased or let, from time to time to appoint sufficient collectors and officers or agents for the purpose of receiving the tolls payable under this Act; and in case any person liable to pay such tolls shall refuse or neglect to pay the same, it shall be lawful for the said Commissioners, or for the lessees or lessee of the said tolls, or their officer or agent or other person to whom such toll ought to have been paid, to seize the vessel, goods, articles, and things in respect of which such tolls ought to have been paid wherever the same may be found, and to detain the same until such tolls, together with the reasonable cost and expenses of such seizure and detention, shall be paid; and if such vessels, goods, articles, and things shall not be redeemed within twenty-one days after the seizure thereof, the same shall be appraised and sold, and, after deducting

the costs of such seizure, detention, and sale, all such sums as shall be due in respect of such toll shall be satisfied thereout, and the overplus paid to the owner, in like manner as the law directs in cases of distress for rent in arrear.

XIV. That it shall and may be lawful for the said Commissioners to make such bye-laws, rules, and regulations for the payment of rates or tolls in, and for the use and occupation of any such pier, harbour, or quay, and the preservation and safe keeping of the same, such bye-laws, rules, and regulations not being contrary to the laws or statutes of this realm, as the Directors of general inland navigation in Ireland were enabled to make and establish under any Act or Acts for promoting inland navigation, or as the said Commissioners for the promotion and extension of Public Works in Ireland are now enabled to do under the provisions of the said recited Act, 1 & 2 Will. 4. c. 33, vesting the powers and authorities theretofore enjoyed by the said Directors General in the said Commissioners; and any person or persons guilty of any breach of or offending against any such bye-laws, rules, or regulations, shall and may be proceeded against, and shall incur a like penalty or forfeiture, to be levied and enforced in like manner as in the case of any person offending against the bye-laws, rules, or regulations at any time made by the said Directors General or by the said Commissioners in respect of any canal or navigation.

XV. That it shall and may be lawful to and for the said Commissioners of Public Works, with the consent and approval of the Lords Commissioners of the Treasury, to make advances under this Act or the Acts hereinbefore recited for the building, rebuilding, or repairing of public bridges on lines of turnpike roads, provided the repayment of such advance be adequately secured upon the tolls of such turnpike roads, or other adequate security.

XVI. That, notwithstanding anything in the said recited Act or in this Act contained, in any case in which any loan or advance for any purpose has already been or shall be made, under the provisions of the said recited Act and of this Act, or of either of them, to any body, company, or party on any security whatever, to be repaid on any terms whatever, either as to principal or interest, it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury and they are hereby authorized at their discretion, notwithstanding the terms of any agreement which may have been made or shall hereafter be made as to such loan, to enlarge the time within or to increase the number of instalments in which such loan or any part thereof shall be required to be repaid, or to reduce the rate of interest which shall be payable on such loan or on any unpaid part thereof; and every such extension of time or reduction of the rate of interest, when made as aforesaid, shall be as valid and effectual as if the same had been part of the terms of such loan or advance, and as if all the securities entered into in relation to such loan had been entered into after such extension of time or reduction of interest had been made: Provided always, that the interest shall in no case be reduced to a rate less than 10s. per centum per annum above the rate of interest on the Exchequer bills made out or issued for the purpose of such loan or advance.

XVII. That, anything in the said recited Act to the contrary notwithstanding, it shall be lawful for the said Lords Commissioners of the Treasury to release and discharge, if they shall so think fit, any party who under the provisions of the said recited Act shall be liable to be called upon to contribute any sum of money for the purpose of completing any work in respect of which any loan has been or shall be made, over and above or in addition to the amount for which such party subscribed or contracted to subscribe towards the execution of any such work; and that in any loans which shall hereafter be made under the provisions of the said recited Act and of this Act, or either of them, no such liability shall be incurred unless the Lords Commissioners of His Majesty's Treasury shall so direct: Provided always, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury, if they shall think fit, at any time by any writing under their hands to declare that any loan which shall hereafter be made shall be made subject to such liability to contribute being incurred, and at any times or time after such liability shall have been incurred, if they shall so think fit, to release and discharge all or any of the parties who shall be so liable to contribute from the payment of the whole or any part of the sums or sum of money which he, she, or they shall be so liable to contribute or pay; and in case the Lords Commissioners of His Majesty's Treasury shall think fit to make any such declaration requiring such liability to be undertaken, the said Commissioners for the execution of the said recited Act and of this Act shall make such loan upon such condition that such liability to contribute shall be incurred; and in case the said Lords Commissioners of His Majesty's Treasury shall subsequently release or discharge any party from such liability, every such party shall from thenceforth be so released and discharged therefrom accordingly.

XVIII. That every mortgage, assignment, or other security (except the writing obligatory hereinbefore mentioned) which is directed or required to be made in pursuance of the provisions of the said recited Act and of this Act, or of either of them, for securing the repayment of any loan and interest, may be made in such of the forms set forth in the Schedule to this Act as shall be applicable thereto, or as near thereto as the circumstances of the case will admit; and that every estate, right, title, interest, claim, and remedy created by or which shall arise by virtue of such mortgage, assignment, or other security, or by any bond or obligation in writing to be executed to the secretary of the said Commissioners under the provisions of this Act, shall be vested in the secretary for the time being of the said Commissioners, without any assignment or transfer being executed to him.

XIX. That in case His Majesty shall think fit to issue a commission deputing and appointing any person to consider and report upon the principal lines of communication in Ireland, with reference to the comparative advantages and facilities they afford for the construction of railways, with a view to ascertain the best lines between any of the principal places in Ireland which it may be desirable to connect by railways, and for which works joint stock companies may be willing hereafter to apply to Parliament, it shall and may be lawful for such persons and their surveyors or agents, for the purpose of making such survey as may be necessary to carry into effect such His Majesty's commands and instructions, to enter into and upon the lands of any person or corporation whatsoever, and to survey and take levels of the same or of any part thereof, and to do and execute all matters and things necessary or convenient for making such survey, such persons doing as little damage as may be in the execution of the powers to them by the said commission and hereby granted, and making reasonable satisfaction (if required) to the owners of and other persons interested in any such lands which shall or may be in any way injured or damaged in or by the execution of the powers by the said commission and hereby granted to such persons; and this Act shall be sufficient to indemnify such persons, and all surveyors, agents, or persons acting in and under the orders of any of them, for what they or any of them shall do by virtue of the powers by such commission and hereby granted.

xx. That if any person shall wilfully prevent, assault, or threaten to assault any such Commissioner, or any surveyor or agent acting in aid or under the orders of any such Commissioner, pursuant to the provisions hereinbefore contained, or shall wilfully destroy or injure any surveyor's instruments or implements used for the purpose of making such survey as aforesaid, every person so offending shall forfeit and pay for every such offence, upon conviction by the oath of one credible witness before any two Justices of the Peace for the county wherein such offence shall have been committed at petty sessions, such sum not exceeding 10*l.* as the said Justices shall think fit; and in case the same shall not be paid such Justices are hereby empowered and required to commit such offender to any gaol, bridewell, or house of correction for any time not exceeding three months, or until such forfeiture shall be paid.

xxi. That wherever the Lords Commissioners of the Treasury shall be named in this Act, the provision shall be deemed to import and apply to any three or more of them, or to the Lord High Treasurer when such officer there shall be.

xxii. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

No. 1.

Form of Security by way of Mortgage or Assignment of any Freehold or Leasehold or Personal Estate, or by way of Deposit of any Title Deeds or Documents relating to any Freehold, Leasehold, or other Personal Estate.

WHEREAS by virtue of an Act passed in the first and second years of His present Majesty, intituled 'An Act for the Extension and Promotion of Public Works in Ireland,' and of an Act passed in the _____ year of His present Majesty, intituled [*here insert the title of this Act*], the Commissioners for the execution of the said Acts have agreed to lend and advance to us, A.B. [*here insert the names of the parties receiving the loan or advance, and the sum and the terms on which it is made*]; it is therefore witnessed, that in pursuance of the said agreement, and in consideration of the sum of _____ *so agreed* to be advanced as aforesaid, we the said A.B. [*here insert the names of the parties to the agreement interested in the work*] do assign [*here insert the description of the work*], together with all our estate, right, title, and interest therein, and we the said A.B. of _____ [principals], and C.D. of _____ [sureties], do for the like consideration assign [*or deposit, as the case may be*], [*here insert a description of the property intended to be assigned or deposited by way of security*], together with all our respective estates, rights, title, and interest therein respectively, unto the secretary of the Commissioners for the extension and promotion of Public Works in Ireland, to hold the same respectively in trust for the said Commissioners and their successors until the said sum of _____ and all interest to become due thereon, shall be fully paid and satisfied, and until [*here insert such other conditions as the Commissioners shall prescribe*], in pursuance of the terms of the said agreement. Given under our hands this _____ day of _____ in the year of our Lord _____.

No. 2.

Form of Security by way of Bond or Obligation in Writing.

WHEREAS by virtue of an Act passed in the first and second years of His present Majesty, intituled 'An Act for the Extension and Promotion of Public Works in Ireland,' and of an Act passed in the _____ year of His present Majesty, intituled [*here insert the title of this Act*], the Commissioners for the execution of the said Acts have agreed to lend and advance to us, A.B. [*here insert the names of the parties receiving the loan or advance, and the sum, and the terms on which it is made*]; it is therefore witnessed, that in pursuance of the said agreement, and in consideration of the said sum of _____ pounds *so agreed* to be advanced as aforesaid, we the said A.B. [*here insert the names of the parties to the agreement interested in the work*] do assign the said [*here insert the short description of the work*], together with all our estate, right, title, and interest therein, unto the secretary of the Commissioners for the extension and promotion of Public Works in Ireland, to hold in trust for the said Commissioners and their successors until the said sum of _____ pounds, and all interest to become due thereon, shall be fully paid and satisfied, in pursuance of the terms of the said agreement; and for the like consideration we A.B. of _____ and C.D. of _____ [*here insert the names of all the obligors*] are jointly and severally held and firmly bound to the said secretary of the said Commissioners in _____ pounds, to be paid to him in trust for the said Commissioners and their successors, for which payment we bind ourselves and each of us, and our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our respective seals, dated this _____ day of _____: Provided always, and the condition of these presents is, that if the said sum of _____ pounds mentioned in the said agreement of the _____ day of _____ and all interest to become due thereon, shall be fully paid and satisfied in pursuance of the terms of the said agreement, and if [*here insert such other conditions as the Commissioners shall prescribe*], then these presents shall be void, or else shall remain in full force.

CAP. CIX.

AN ACT to repeal certain Provisions respecting the Coal Trade.

(20th August 1836.)

By this Act,

After reciting the passing of 9 Ann. c. 28, made perpetual by the 1 Geo. 1, it was amongst other things enacted, that all and every contract or contracts, covenants or agreements, whether the same were in writing or not in writing, and whether theretofore made and entered into, or thereafter to be made or entered into, by or between any coal owners, lightermen, stews,

masters or owners of ships or vessels, crimps, coal factors, or other person or persons whatsoever concerned in the said coal trade, for engrossing coals, or for restraining or hindering any person or persons whomsoever from freely selling, buying, loading, or unloading, navigating, or disposing of coals in such manner as they lawfully might, should be and were thereby declared to be illegal, null, and void to all intents and purposes; and further, that if any coal owners, lightermen, fitters, masters or owners of ships or vessels, crimps, coal factors, or any other person or persons whatsoever, should, at any time or times from and after the 1st of June 1711, keep up, continue, act in, make, enter into, sign, seal, or be knowingly interested or concerned in any contract or contracts, covenants or agreements, before by that Act declared to be illegal, null, and void, or should erect or keep up any office or offices, chamber or chambers, or other place or places for the management of such contract or contracts, covenants or agreements, as party or parties to or knowingly interested in the same, or should anyways act or officiate therein as officer, clerk, agent, or servant to or for the persons so contracting, agreeing, or acting contrary to the true intent and meaning of this Act, the person or persons so offending should for every such offence forfeit and pay as follows; (that is to say,) every coal owner or owners, or proprietor of or in any pit or mine, pits or mines of coal, the sum of 100*l.*; and every fitter, whether acting by himself, his agent or servant, the sum of 50*l.*; and every master or owner of any ship or vessel, the sum of 20*l.*; and every officer, clerk, agent, or servant as aforesaid the sum of 20*l.*: And that by 4 Geo. 2. c. 30. it was amongst other things enacted, that from and after the 15th of May 1731 it should not be lawful for any owner or owners of any ship or vessel employed in the coal trade, or any person authorized by them, or any other person or persons whatsoever, directly or indirectly, by writing or otherwise, to give any orders or directions to any master or person having the command or rule of any ship or vessel employed in the coal trade, or to any agent or servant employed in the selling of coals, which should anyways relate to the keeping of turn in selling or delivering of coals in the river of Thames, and that no master or masters or other person having the command or rule of any ship or vessel as aforesaid should obey any such orders or keep turn as aforesaid, upon pain that every person giving such directions, and the person or persons observing and following the same, or any otherwise, directly or indirectly, acting contrary to the true intent and meaning of that Act, should respectively forfeit and pay the sum of 100*l.* for every such offence, one moiety thereof to His Majesty, his heirs and successors, and the other moiety to him or them who should sue for the same within the space of six months next after such offence or offences should be committed, to be recovered, with treble costs of suit, by action of debt, bill, plaint, or information in any of His Majesty's courts of record, wherein no essoign, protection, wager of law, nor more than one imparlance should be allowed: And by 28 Geo. 3. c. 53. it was amongst other things enacted, that from and after the 1st of June 1788 any number of persons united in covenants or partnerships, or in any way whatsoever, consisting of more than five persons, for the purchasing of coals for sale, or for making regulations with respect to the manner of carrying on the said trade in coals, shall be deemed and adjudged to be an unlawful combination to advance the price of coals, and every person concerned therein shall be liable to be punished by indictment or information for the same in His Majesty's Court of King's Bench at Westminster: And that the hereinbefore recited provisions are injurious to the public, by obstructing the free and open trade in coals, and preventing the employment of large joint capital in the said trade:—

It is Enacted,

I. That the said Acts, so far as the same are hereinbefore recited and set forth, shall be and the same are hereby repealed.

II. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. CX.

AN ACT to repeal so much of an Act of the Fifty-fourth Year of King *George* the Third, respecting Copyrights, as requires the Delivery of a Copy of every published Book to the Libraries of *Sion College*, the Four Universities of *Scotland*, and of the King's Inns in *Dublin*.

(20th August 1836.)

By this Act,

After reciting that by 54 Geo. 3. c. 136. it is among other things enacted, that eleven copies of every published book shall be gratuitously delivered to eleven public libraries named in the said Act: And that the provisions of the said Act have in certain respects operated to the injury of authors and publishers, and have in some cases checked or prevented the publication of works of great utility and importance, and that it is expedient that the said Act should be amended:—

It is Enacted,

I. That so much of the said recited Act as requires that a copy of every book which shall be printed and published shall be delivered in manner therein mentioned to the warehouse keeper of the Company of Stationers for the use of the library of *Sion College*, the libraries of the four Universities of *Scotland*, and the King's Inns library at *Dublin*, shall be and the same is hereby repealed.

II. That it shall be lawful for the Lord High Treasurer or for the Commissioners of His Majesty's Treasury, or any three or more of them, from time to time to issue and pay out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the person or persons or body politic or corporate, proprietors or managers of each of the aforesaid libraries, such an annual sum as may be equal in value to and a compensation for the loss which any such library may sustain by reason of the said Act being repealed, so far as relates to such library; such annual compensation to be ascertained and determined according to the value of the books which may have been actually received by each such library, in such manner as the Commissioners of His Majesty's Treasury or any three or more of them shall direct, upon an average of the three years ending the 30th of June 1836.

III. That the person or persons or body politic or corporate, proprietors or managers of the library for the use whereof any such book would have been delivered, shall and they are hereby required to apply the annual compensation hereby authorized to be made in the purchase of books of literature, science, and the arts, for the use of and to be kept and preserved in such library: Provided always, that it shall not be lawful for the said Lord High Treasurer or Commissioners of His Majesty's Treasury to direct the issue of any sum of money for such annual compensation until sufficient proof shall have been adduced before him or them of the application of the money last issued to the purpose aforesaid.

CAP. CXI.

AN ACT to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them except when Evidence to Character is given.

(20th August 1836.)

[This Act is printed in the Appendix, p. xli.]

CAP. CXII.

AN ACT for further facilitating the hearing and determining of Suits in Equity in His Majesty's Court of Exchequer at *Westminster*.

(20th August 1836.)

By this Act,

After reciting that by 57 Geo. 3. c. 18. it was enacted, that the Lord Chief Baron of the said Court for the time being should have power to hear and determine all causes, matters, and things which should be at any time depending in the said court as a court of equity, and that if the Lord Chief Baron of the Court of Exchequer should by sickness or any other unavoidable cause be prevented from sitting on the equity side of the said court for the purposes in the said Act mentioned, then it should and might be lawful for His Majesty and his successors to nominate and appoint from time to time, under the royal sign manual, revocable at pleasure, any other of the Barons of the degree of the coif of the said court for the time being to hear and determine such causes, matters, and things: And that by 3 & 4 Will. 4. c. 41. it was declared and enacted, that it should and might be lawful for His Majesty and his successors to nominate and appoint from time to time, by warrant under the royal sign manual, revocable at pleasure, any one of the Barons of the coif of the said court for the time being to hear and determine, on such days as the Lord Chief Baron should sit on the common law side of the said court during term, or should preside at the sittings at Nisi Prius in London or Middlesex after the term, or should attend at the Judicial Committee of His Majesty's Privy Council, all causes, matters, and things which should at any time be depending in the court of equity: And that great inconvenience has been sustained by the suitors and practitioners on the equity side of the said court by reason of the last-recited Act not having provided for the case of the Lord Chief Baron being prevented from sitting by his absence on the circuit, or for the case of a cause not being fully heard and decided by the Baron sitting in the absence of the Chief Baron:—

It is Enacted,

1. That it shall and may be lawful for His Majesty and his successors to empower the Baron so appointed or to be appointed under the said recited Acts as well to hear and determine all causes, matters, and things upon the occasions in the said Acts mentioned, as also during the absence of the Lord Chief Baron upon the circuit, and to continue the sittings of such Baron upon one or more successive days until he shall have fully heard and determined any cause which shall have been but partly heard before him on any day when he shall be sitting by virtue of His Majesty's warrant.

11. That all the powers and authorities given to the Baron appointed or to be appointed under the first-recited Act shall apply and be extended to the Baron to be nominated and appointed under the authority of this Act.

CAP. CXIII.

AN ACT for raising the Sum of Fourteen millions seven thousand nine hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-six.

(20th August 1836.)

This Act contains the following enactments:—

1. The Treasury may raise 14,007,950*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1.

11. The clauses, &c. in recited Act extended to this Act.

III. Treasury to apply the money raised.

iv. Bills to be payable out of supplies of the next session.

v. Interest on Exchequer bills.

vi. Bills to be current at the Exchequer after 5th April 1837.

vii. Bank of England may advance 14,007,950*l.* on the credit of this Act, notwithstanding the 5 & 6 W. & M. c. 20.

CAP. CXIV.

AN ACT for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney.

(20th August 1836.)

[This Act is printed in the Appendix, p. xli.]

CAP. CXV.

AN ACT for facilitating the Inclosure of Open and Arable Fields in *England and Wales*.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Open and common lands may be inclosed with the consent of two third parts in number and value of the parties interested therein.*
2. *The consent of the tenant in remainder necessary in certain cases.*
3. *Commissioners to be nominated by the parties consenting to the inclosure.*
4. *Commissioners to appoint a clerk.*
5. *Umpire to be appointed.—In case of difference of opinion between the Commissioners, the matter to be determined by the umpire.*
6. *Commissioners and umpire to take an oath.—Form of oath.*
7. *Commissioners to give notices of meetings, &c.—Adjournment of meeting in case of failure of attendance of Commissioners.—Place of meeting.*
8. *Made in which other notices are to be given.*
9. *Allowance to Commissioners, umpire, and surveyors.*
10. *Major part of proprietors may agree for payment of a gross sum to Commissioners, &c.*
11. *Four-fifths of proprietors, &c. may agree to adopt any previous plan, &c.*
12. *Four-fifths in number may agree upon rules for guidance of Commissioners or umpire.*
13. *Such several agreements may be appealed against to the Quarter Sessions.—Notice of appeal.—Proviso.*
14. *A copy of the objections to be left with the party objected to, or given to his agent.*
15. *For settling disputes between parties interested.*
16. *Commissioners may award costs.*
17. *Appeal allowed when parties are dissatisfied with decision of the Commissioners.*
18. *Death of parties not to abate actions.*
19. *Commissioners not to determine rights between parties except in cases of encroachments within twenty years.*
20. *Encroachments made within twenty years to be deemed part of the land to be allotted.*
21. *Land used for charitable purposes not to be deemed an encroachment.*
22. *Land inclosed more than twenty years deemed to be ancient inclosures.*
23. *Cultivated ground to be allotted to proprietors only.*
24. *Compensation to be made for standing crops.*
25. *Commissioners to direct the course of husbandry to be followed.*
26. *Commissioners to allot the lands to be inclosed.*
27. *At the desire of the parties several allotments may be set out together, distinguished by marks and bounds, but not fenced from each other.*
28. *For ascertaining boundaries.*
29. *Right of herbage in private roads to be set out.*
30. *Empowering rectors to erect buildings on lands allotted in right of glebe, and charge expenses thereon.*
31. *Rectors, with consent of bishop, may demise the allotments.*
32. *Commissioners in certain cases to apportion expenses of erecting boundary fences.*
33. *Act not to affect settlements.*
34. *Leases at rack rent may be voided.*
35. *Exchanges may be made.*
36. *Allotments to be under the same tenure as the lands in respect of which they are allotted.*
37. *For defraying expense of exchanges.*
38. *Ditches, &c. may be cleaned, altered, or widened.*
39. *Power to Commissioners to make drains through land not proposed to be inclosed, due compensation being made for damage done.*
40. *Upon the consent of seven-eighths in number and value, an inclosure may take place without the intervention of Commissioners.*

41. *Schedule of land proposed to be inclosed to be deposited with the clerk of the parish and the clerk of the peace; and a notice thereof affixed on the church door, and published in some newspaper circulating in the county.*
42. *Incapacitated persons enabled to enter into an agreement for compensation.*
43. *Persons having objections to such inclosure to deposit them with the clerk of the peace, within six months;—to be open to inspection.*
44. *Clerk of the peace to lay the schedule, &c. before the Justices at Quarter Sessions, who shall hear and determine upon such objections.*
45. *Persons interested in allotments may sell the same before the award; and Commissioners may allot them to the purchasers.*
46. *Tenants for life empowered to sell part of allotments to defray expenses.*
47. *When allotments to a tenant for life are in different parishes, Commissioners may sell the land in one parish to defray expenses attending the other portion of the allotment.—Proviso.*
48. *Not to charge lands with expenses unless the sum to arise by the sale shall be less than 5*l.* per acre.*
49. *For payment of expenses of measuring, dividing, allotting, and inclosing open and common lands.*
50. *Commissioners to account.*
51. *Awards.*
52. *Provisions of recited Acts, where not altered or repealed, extended to this Act.*
53. *Appeal to Quarter Sessions where parties think themselves aggrieved.*
54. *Act not to affect rights of lords of manors.*
55. *Act not to authorize the inclosure of any open or common fields within certain distances of large towns.*
56. *Meaning of certain words in this Act.*
57. *Saving the rights of His Majesty in respect of the Duchy of Cornwall, or of the Duke of Cornwall for the time being.*
58. *Saving as to the Duchy of Lancaster.*
59. *General saving.*

By this Act,

After reciting that there are in many parishes, townships, and places in England and Wales divers open and common arable, meadow, and pasture lands and fields, and the lands of the several proprietors of the same are frequently very much intermixed and dispersed, and it would tend to the improved cultivation and occupation of all the aforesaid lands within such parishes, townships, and places, and be otherwise advantageous to the proprietors thereof and persons interested therein, if they were enabled by a general law to divide and inclose the same; and the passing of 41 Geo. 3. c. 109, and 1 Geo. 4. c. 23:

It is Enacted,

1. That from and after the passing of this Act it shall be lawful for two third parts in number and value (such value to be ascertained as hereinafter mentioned) of the several persons who shall be seised or possessed of or entitled in possession to or interested in possession in any rights of common or other rights in any open and common arable fields, (including any untitled slips or balks therein), or any open and common meadow or pasture lands or fields, in any parish, township, or place in England or Wales, known by metes and bounds, or occupied according to known and legal rights (except as hereinafter provided), as tenant in fee simple or in fee tail, general or special, or for life or lives, or by the courtesy of England, or for any other estate of or as of freehold, or for years determinable on any life or lives, or for any term of years whereof one hundred years shall be unexpired, or as a holder of lands or rights of copyhold, customary, tenant right, or other tenure, of an estate or interest equal in quantity to the estates hereinbefore mentioned or any of them, and for the guardian, trustee, feoffee for charitable or other uses, husband or committee of such person who at the time of any agreement for or on the making of any inclosure authorized by this Act shall be an infant, idiot, lunatic, or feme covert, or under any other disability, in such manner and with such consent as is hereinafter mentioned, to inclose such open and common arable, meadow, and pasture lands and fields, or any of them, and to extinguish the right of inter-commonage which shall exist as well over as in respect of such land; provided that no such inclosure shall take place without the consent in writing under the hands of two third parts in number and value of the persons so seised, possessed, entitled, or interested as aforesaid, or for the guardians, trustees, feoffees, husbands, or committees aforesaid of such of the said persons who may be under disability as aforesaid, such value to be ascertained by the assessments of the poor rates of the respective parishes or townships for the then current year, which assessments of the poor rates, in case they shall not be made according to the full annual amount or value of the tenements and property thereby assessed, shall be increased or diminished so as to represent the full or true annual value of the several lands, fields, and rights liable to be affected by the intended inclosure, and where the lands are extra-parochial, or no poor rates shall exist in respect of any such lands, then by the full or true annual value thereof: Provided also, that no such inclosure shall take place, nor shall any agreement for that purpose be binding, until a public meeting of the proprietors and persons interested in the lands intended to be inclosed shall have been previously called for the purpose of taking the expediency of such inclosure into consideration by notice under the hands of three or more of such proprietors or persons interested, such notice to be affixed on the principal outer door of the church or chapel of the parishes, townships, or places wherein the lands intended to be inclosed shall lie, or in case there be no such church or chapel, then on the door of the church or chapel of some adjoining parish, township, or place, and also advertised in some newspaper circulating in the county wherein such lands shall lie, at least fourteen days before the said intended meeting; provided that such inclosure may after such meeting be proceeded with by and with the consent in writing of two third parts in number and value of the proprietors and persons interested in the lands intended to be inclosed, notwithstanding some of the parties who may approve of and consent to such inclosure may not be present at such meeting, and may signify their consent thereto after the same shall have been holden.

11. That whenever any inclosure shall be proposed to be made or consented to under the authority of this Act, or any agreement for compensation in pursuance of the provisions in that respect hereinafter contained shall be entered into, by any person or persons who being necessary to make up, and without whom there shall not be consenting parties sufficient to make up, the proportion of two third parts in number and value hereinbefore required, or other the proportion hereinafter required, in the case of an inclosure without the assistance of Commissioners, and who shall have a less estate or interest in the land to be inclosed, or the said rights

therein, than a fee simple or an estate in tail, or be an holder of a copyhold or customaryhold tenant right or other tenure in such lands or rights for any less estate than an estate or interest in fee or in tail, or shall be under any disability, such consent shall not be available for the purposes of this Act unless the person to whom the next immediate vested estate of freehold or of copyhold or customaryhold tenant right or other tenure of inheritance, in remainder or reversion, shall have been limited, (provided such person shall be of the full age of twenty-one years, and being a female shall be unmarried,) shall consent thereto in writing; and such consent shall be sufficient for the purposes of this Act, notwithstanding the person giving the same may have an equitable estate only in the land intended to be inclosed, or may have previously charged or incumbered his reversionary estate therein: Provided always, that if the person to whom such next immediate vested estate in remainder or reversion may have been limited shall at the time such inclosure is proposed to be made happen to be an infant, feme covert, idiot, or lunatic, it shall be lawful for the guardian or husband or committee of such infant, feme covert, idiot, or lunatic to consent to such inclosure in his or her stead: Provided always, that in respect to any land held in right of any benefice no consent of the incumbent thereof shall alone be available for the purposes of this Act, where such consent shall be necessary to make up the proportion of two-third parts in number and value hereinbefore required, or other the proportion hereinafter required in the case of an inclosure without the assistance of Commissioners, without the concurrence of the patron of such benefice, and of the archbishop or bishop to whose ordinary or peculiar jurisdiction the said benefice shall be subject; and if the patron of such benefice shall happen to be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian, committee, or husband of such patron to consent to such inclosure in the stead of such patron, and on his or her behalf: Provided always, that if the patronage of such benefice shall happen to be in the crown, and the benefice shall exceed the yearly value of 20*l.* in the King's books, no consent of the incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up either of the proportions aforesaid, without the concurrence of the Lord High Treasurer or the First Lord Commissioner of the Treasury for the time being, who are respectively hereby authorized so to concur; but if such benefice shall not exceed the yearly value of 20*l.* in the King's books, then no consent of the incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up either of the proportions aforesaid, without the concurrence of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being, who is and are hereby authorized to give such consent on behalf of the crown.

III. That whenever the persons whose consents are hereby rendered necessary to any such inclosure shall have consented thereto in manner in that behalf herein authorized and required, it shall be lawful for the major part in number and value of the proprietors of and persons interested in the lands intended to be divided and inclosed, or their known agents, who may be present at a meeting to be called for that purpose, to nominate and appoint in writing under their hands one or more person or persons (not interested in the premises) to be a Commissioner or Commissioners for dividing, allotting, and inclosing, and he or they is and are hereby empowered to divide, allot, and inclose, all or any of the open and common arable meadow or pasture lands or fields in any such parish, township, or place, or in any parishes, townships, or places adjoining or lying within two miles of the aforesaid parish, township, or place which may have been agreed to be divided, allotted, and inclosed as aforesaid; and when and as often as any such Commissioner or any Commissioner to be from time to time appointed in his place, shall die, neglect or refuse or become incapable to act, it shall be lawful for the major part in number and value of the proprietors of such open common arable fields or other lands or fields as aforesaid so agreed to be divided, allotted, and inclosed, or of their agents, assembled at a public meeting to be held in manner hereinbefore mentioned in respect to the meeting for taking such inclosure into consideration, to nominate and appoint any other person not interested in the premises to be a Commissioner in the stead or place of the Commissioners so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said proprietors or persons interested as aforesaid shall make default in appointing any new Commissioner within two calendar months after any such death, neglect, refusal, or disability shall happen, and shall be known and signified to them or any two of them respectively as aforesaid, then the surviving or remaining Commissioner (if any) shall and he is hereby required from time to time, by writing under his hand, within one calendar month next after the expiration of the said period allowed to the proprietors or persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint one other Commissioner, not interested in the said inclosure, in the place of such Commissioners so dying, neglecting, refusing, or becoming disabled to act as aforesaid; and every such new Commissioner so to be appointed shall have the like powers and authorities for carrying this Act into execution in all respects whatsoever as the Commissioner in whose place he shall have been so appointed and chosen as aforesaid was invested with under and by virtue of this and the said hereinbefore recited Act.

IV. That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a clerk to assist him or them in the execution of the said recited Act and this Act, and shall and may remove such clerk and appoint another in his room as to him or them shall seem meet; and in case of the death, incapacity, neglect, or declining to act of any such clerk, then and in any such case the said Commissioner or Commissioners shall and may appoint any other person to be clerk.

V. That in all cases where two Commissioners shall have been appointed for any such inclosure they shall, before they proceed upon the business of such inclosure, by writing under their hands appoint a fit and proper person (not interested in the said division and inclosure) to act as umpire between them, and from time to time afterwards renew such appointment in the event of the death, refusal, neglect, or incapacity to act of the person so appointed; and if any difference of opinion shall arise between them touching or concerning any matter or thing to be done by them by virtue or in the execution of the said recited Act or of this Act, the matter upon which such difference shall arise shall be settled and determined by such person so to be appointed umpire, whose determination therein shall be deemed and taken to be the determination of the said Commissioners, and shall be reduced into writing, and shall be binding and conclusive upon all parties whomsoever (so far as the acts and determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the purposes aforesaid such umpire shall have and he is hereby invested with the same powers and authorities as by the said recited Act and this Act are given or vested in the said Commissioners.

VI. Provided, that no person shall be capable of acting as a Commissioner or an umpire or a surveyor in the execution of this Act or the said recited Act until he shall have taken and subscribed an oath or made an affirmation in the form or to the effect following before one of His Majesty's Justices of the Peace for the county, riding, division, or place in which the lands intended

to be inclosed, or some part thereof, are situate; which oath or affirmation the said Justice is hereby empowered to administer; (that is to say,)

'I A. B. do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as a Commissioner [*or an Umpire*] or Surveyor [*as the case may be*], by virtue of an Act passed in the Year of the Reign of King William the Fourth, intituled *An Act, &c. [here set forth the Title of this Act]*, according to Equity and good Conscience, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

'So help me God.'

[*Or, being a Quaker, omit the Words 'So help me God.'*]

VII. That the said Commissioner or Commissioners or umpire shall and he or they is or hereby required to cause notice in writing to be affixed to the respective church or chapel doors of the parish, township, or place wherein the lands intended to be inclosed are situate, or if there be no church or chapel, then in some conspicuous public place there, and also a like notice to be published in some newspaper circulating in the county wherein such lands lie, of the time and place of his or their attendance or meeting, and of all other subsequent attendances or meetings for executing the powers hereby or in and by the said recited Act vested in him or them, ten days before any such meeting (meetings by adjournment only excepted); and if there be two Commissioners, and not more than one of them shall attend at the time and place appointed for any such meeting, it shall be lawful for the Commissioner who shall attend such meeting, or the clerk of the said Commissioners, or if notice shall have been given of such meeting by any umpire, and both the Commissioners shall not attend the same, it shall be lawful for such umpire to adjourn such meeting to any future day not exceeding fourteen days from the day of adjournment; and such clerk shall cause notice of such adjournment to be given to the said Commissioners: Provided always, that all the meetings of the said Commissioners, or umpire and Commissioners, shall be holden in one of the parishes or townships wherein the lands to be inclosed are situate, or within seven miles of the boundaries of one of them.

VIII. Provided, That all other notices necessary or requisite to be given by the said Commissioner or Commissioners or umpire shall be so given by affixing the same on the respective church or chapel doors of the several parishes, townships, or places wherein the lands to be inclosed are situate, or if there be no church or chapel, in some conspicuous public place in such parishes, townships, or places, and by advertisement in a newspaper circulating in the county wherein such lands are situate.

IX. That out of the money that shall arise for defraying the expenses of executing this Act there shall be paid to each of the Commissioners (if more than one) and to the umpire who shall act in the execution thereof, as a recompense for his pains and trouble, the sum of 3*l.* 3*s.* for each and every day they shall respectively be employed in travelling to, returning from, and attending in the execution of this Act, and no more; and at all meetings to be held in pursuance of this Act the said Commissioners and umpire shall, out of such allowance, defray their own expenses; and there shall be paid to the surveyor or surveyors to be appointed for the purposes of this Act such allowances in respect of his or their services as the said Commissioner or Commissioners shall adjudge to be a full recompense and satisfaction for all his or their expenses and charges whatsoever in attending the said Commissioners, and in surveying and admeasuring the lands and grounds to be inclosed, and in planning and staking out the several allotments intended to be made, and in making such maps and plans as may be required respectively by virtue of this Act.

X. Provided, That it shall be lawful for the major part in number and value of the proprietors and persons interested as aforesaid to make any agreement with any Commissioner or Commissioners or surveyor or surveyors to be appointed under this Act for the payment to them respectively of one sum for the whole duty or any part thereof to be performed by them or either of them.

XI. Provided, That it shall be lawful for four-fifths in number and value of such proprietors and persons interested as aforesaid to agree upon the adoption for the purposes of this Act of any plan, map, admeasurement, or valuation previously made, and such agreement shall be binding upon any Commissioner or Commissioners or umpire who may be appointed in pursuance of the provisions of this Act.

XII. Provided, That it shall be lawful for four-fifths in number and value of such proprietors and persons interested as aforesaid to agree upon the rules, conditions, and principles according to which any such Commissioner or Commissioners or umpire shall act in allotting the lands to be inclosed to the several persons interested therein, and such agreement shall be binding upon such Commissioner or Commissioners or umpire as aforesaid.

XIII. Provided, That it shall be lawful for any proprietor or person interested as aforesaid, who may deem himself aggrieved by any such agreement as hereinbefore mentioned for the payment of a Commissioner or Commissioners, surveyor or surveyors, or for the adoption of any plan, map, admeasurement, or valuation, or for establishing any rules, conditions, and principles for the guidance of the Commissioner or Commissioners or umpire in making allotments, to appeal against the same to the first General Quarter Sessions of the Peace to be holden in and for the county, riding, or division wherein the lands, or the greater part thereof, in respect of which the matter of complaint may arise, shall be situate, or some adjournment thereof, or if such General Quarter Sessions shall be holden within one month from the making of such agreement, then to the General Quarter Sessions next following such first General Quarter Sessions, or some adjournment thereof; and notice of such appeal shall in each case be given in writing to the Commissioner or Commissioners seven days at the least before the day on which such sessions respectively shall be holden: Provided always, that in the event of the decision upon any such appeal being in favour of the appellant it shall be lawful for any party who shall have consented to such agreement for inclosure as aforesaid to withdraw his consent from such agreement, by giving notice in writing to that effect to the Commissioner or Commissioners at any time within twenty-one days after the day on which the decision upon such appeal as aforesaid shall have been given; and if by reason of such withdrawal of consent the proportion of two-thirds in number and value of consenting parties shall not remain, the said agreement for inclosure shall thenceforth cease and determine.

XIV. That if any of the parties interested in the premises shall have any objection or objections to any of the appraisals or claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act.

such objection or objections shall be reduced into writing, and two parts thereof shall be signed by the party or parties making the same, or by some person or persons on his, her, or their behalf, and one part thereof shall be delivered to the party or parties whose claim or account shall be objected to, or to his, her, or their agent, or left at his, her, or their last and most usual place or places of abode, at such time or times as the said Commissioner or Commissioners shall appoint for that purpose.

xv. That if any dispute or difference shall arise between any of the parties interested or claiming to be interested in the said intended division, allotment, and inclosure, touching or concerning the respective rights or interests which they or any of them shall claim to have in, to, or out of the lands and fields hereby authorized to be divided, allotted, and inclosed, or touching or concerning any other matter or thing relating to the said division, allotment, and inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are hereby authorized and required, to examine into, hear, and determine the same respectively; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the title to any manors, messuages, cottages, lands, tenements, or hereditaments whatsoever.

xvi. That in case the said Commissioner or Commissioners shall, upon the hearing and determination of any claim or claims, objection or objections, to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any costs, it shall be lawful for the said Commissioners and they are respectively hereby empowered, upon application being made to them for that purpose, to settle, assess, and award such costs and charges as they shall think reasonable to be paid, either for the public account for or towards the expenses occasioned in or relating to the investigation, settling, and determining of such claim or claims, if finally disallowed, or to the party or parties in whose favour any determination of the said Commissioner or Commissioners shall be made, by the person or persons whose claim or objection shall be thereby disallowed or overruled, or against whom the said Commissioner or Commissioners shall have determined as aforesaid; and in case the person or persons who shall be liable to pay such costs shall neglect or refuse to pay the same, upon demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by warrant under their hands and seals, directed to any person or persons whomsoever, to cause such costs to be levied by distress and sale of the goods and chattels of the person or persons so neglecting or refusing to pay the same, rendering the overplus (if any), upon demand, to such person or persons whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

xvii. Provided, That in case any person or persons interested or claiming to be interested in the said intended division and inclosure shall be dissatisfied with any determination of the said Commissioner or Commissioners or umpire touching or concerning any claim or objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any property, right, or interest intended to be affected by such determination, and shall cause notice in writing of such dissatisfaction to be delivered to or left at the usual places of abode of the Commissioner or Commissioners or umpire making such determination, and of the party or parties in whose favour such determination shall have been made, if there be any party or parties specially interested in the same, or his, her, or their agent, within thirty days next after such determination shall have been notified in writing to the several parties or persons specially interested, if any such there be, it shall be lawful for such person or persons so dissatisfied, and giving such notice as aforesaid, to bring or cause to be brought an action or actions upon a feigned issue against the person or persons in whose favour such determination shall have been made, and to proceed to a trial at law of the matter so determined by the said Commissioners or umpire at the then first or second assizes to be holden for the county wherein the lands relating to which such dispute shall arise are situate; and the defendant or defendants in such action or actions shall, and he, she, and they is and are hereby required to name an attorney or attorneys, who shall appear thereto, and file common bail, and accept one or more issue or issues, whereby such claim or claims, rights in question, and the property, right, and interest thereby insisted upon, may be tried and determined; such issue or issues to be settled by the proper officer of the Court in which the said action shall be commenced, in case the said parties shall differ about the same; and the verdict or verdicts which shall be given upon the trial of such action shall be binding, final, and conclusive, unless the Court wherein such action shall be brought shall set aside such verdict or verdicts, and order a new trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such verdict or verdicts shall be obtained, and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the claim, property, right, or interest thereby determined according to the event of such trial or trials; and the costs and charges payable by the said Commissioner or Commissioners in or relating to such action or actions shall be paid and discharged out of the monies to be raised by him or them for the purposes of this Act: Provided always, that if no such notice shall be given, and such action or actions at law shall not be commenced as aforesaid, or if any such action shall be commenced, and the plaintiff or plaintiffs therein shall not proceed to trial within the time hereinbefore limited for that purpose, then the determination of the said Commissioner or Commissioners or umpire shall be final, binding, and conclusive to all intents and purposes whatsoever: Provided always, that if any of the parties in any such action to be commenced as aforesaid shall die before the determination thereof such action shall not abate by reason thereof, but shall be proceeded in as if no such event had happened; and that no difference, suit, or proceeding as aforesaid, nor any difference or dispute touching the title to any lands, tenements, or hereditaments, shall impede or delay the said Commissioner or Commissioners in the execution of the powers of this Act, but the division, allotment, and inclosure hereby authorized to be made shall be proceeded in notwithstanding any such difference or proceeding.

xviii. Provided, That if any person or persons in whose favour such determination as aforesaid shall have been made, and against whom any such action or actions might have been brought if living, shall die before any such action or actions shall have been brought, and before the expiration of the time hereinbefore limited for bringing such action or actions, it shall be lawful for the person or persons who might have brought such action or actions against the person or persons so dying to bring the same within the time so limited as aforesaid against such person or persons as aforesaid as if actually living, and to serve the clerk of the said Commissioner or Commissioners with process for commencing such action or actions in the same manner as the party or parties so dying might have been served therewith if living; and it shall thereupon be incumbent upon the heir or heirs or other person or persons who shall claim the benefit of such determination as aforesaid to appear and defend such action or actions in the name or names of the person or persons so dead; and proceedings shall be had therein in the

same manner as if such person had been actually living, and the rights of all parties shall be equally bound and concluded by the event of such action or actions.

XIX. Provided, That nothing in this Act contained shall extend to enable the said Commissioner or Commissioners to determine any right between any parties contrary to the possession of any such parties, except in cases of encroachments made within the period of twenty years next preceding the passing of this Act; but in case the said Commissioner or Commissioners shall be of opinion against the right of the person or persons so in possession they shall forbear to make any determination thereupon until the possession shall have been given up by or taken from such person or persons by ejectment or other due course of law.

XX. That all encroachments or intakes which at any time within twenty years next preceding the date of the agreement for any such inclosure have been made upon the said lands and fields hereby authorized to be divided and inclosed shall be deemed and considered part and parcel of the lands and fields to be allotted and inclosed by virtue of this Act as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly; and in case any dispute or difference shall arise touching any such encroachments or intakes, or as to the extent thereof, such dispute or difference shall be determined by the said Commissioner or Commissioners.

XXI. Provided, That in case any such lands shall have been taken or used at any time before the passing of this Act for the erection of a school-house or school-houses, or the appurtenances thereto, or for other charitable purposes, such lands as taken, or the erections made thereon, shall not be taken or deemed to be of the nature of an encroachment within the meaning of this Act.

XXII. Provided, That all lands which shall have been inclosed from the open fields, or any of them, for more than twenty years next preceding the date of the agreement for such inclosure, shall for the purposes of this Act be deemed and taken to be ancient inclosures.

XXIII. Provided, That it shall not be lawful for the said Commissioner or Commissioners or umpire to allot to any other person than the proprietor thereof any land which may be cultivated as orchard or garden, or on which any building may have been erected, or which may have been inclosed by virtue of any voluntary agreement between the proprietor thereof and the persons having right of common over the same, without the consent in writing of such actual proprietor.

XXIV. That the said Commissioner or Commissioners shall, by some writing or writings under their hands, ascertain, order, and appoint what recompense and satisfaction in money shall be made to the owner or owners of any crops growing at the time of the said intended division and allotment, for the said crops, by the person or persons to whom the lands on which such crops are growing shall be allotted, and also what recompense and satisfaction in money shall be paid, and by whom, to any tenant or tenants, occupier or occupiers of lands to be inclosed as aforesaid, as well for the ploughing, tilling, and manuring of any lands or fields which shall be allotted to some other person or persons, and for the profit or advantage which any such person or persons to whom the said lands and fields shall be allotted will obtain thereby, as for any loss or disadvantage which any such tenant or tenants, occupier or occupiers, shall or may sustain by the loss of any following or way-going crop in any of the open and common lands or fields by this Act authorized to be divided, allotted, and inclosed, or by means of the said division, allotment, and inclosure; and if in any or either of the said cases last mentioned such recompense and satisfaction shall not be made at the time and in the manner to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any warrant or warrants under his or their hands and seals, directed to any person or persons whomsoever, (which warrant or warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by distress and sale of the goods and chattels of the person or persons required to make such recompense and satisfaction as aforesaid, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the owner or owners of such goods and chattels.

XXV. That the said Commissioner or Commissioners shall, as soon after his or their appointment as conveniently may be, by some writing or writings under his or their hands to be affixed on the principal outer doors of the several and respective churches or chapels of the parishes or townships in which the lands to be inclosed are situate, or if there be no church or chapel, then in some conspicuous place in the parish, township, or place where such lands shall be, order and direct the course of husbandry that shall be used in, over, and upon the open arable, meadow, or pasture lands or fields to be divided, allotted, and inclosed by virtue of this Act, until the time when he or they shall have made and completed the intended division and allotment thereof, as well with respect to breaking up and laying down, as the ploughing, sowing, fallowing and tilling the same lands and fields; and by the same or any other writing or writings under his or their hands, to be affixed as aforesaid, shall and may make such orders and regulations touching the conduct of the owners and occupiers of the same lands and fields, for the preventing the committing of waste or destruction by any person or persons whomsoever upon any of the lands and fields to be divided and allotted by virtue of this Act, in the meantime and until the allotments and divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which orders and regulations of the said Commissioners shall be binding and conclusive upon all parties interested therein, their farmers and tenants; and that the said Commissioners shall set and impose such pecuniary penalties and forfeitures upon every person not conforming to such orders and regulations as they shall think necessary, not exceeding 5*l.* per acre; all which penalties and forfeitures shall be paid to such person or persons and for such uses and purposes as the said Commissioner or Commissioners shall by any such writing or writings as aforesaid, or any other writing or writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same, for the use of the person or persons he or they may consider entitled thereto, by such ways and means as the costs, charges, and expenses of carrying this Act and the said recited Act, 41 Geo. 3. c. 109, into execution may be raised and levied.

XXVI. That the said Commissioner or Commissioners shall apportion, divide, set out, and allot the said open or common arable, meadow, and pasture lands or fields authorized by this Act to be divided, allotted, and inclosed unto and amongst the several proprietors thereof and persons interested therein, in proportion to their respective shares, rights of common, and all

other rights, property, and interest, and in proportion to the true and real value of their several shares, rights of common, and all other rights, property, and interest, and the same, when so apportioned, divided, set out, and allotted, shall be taken to be in lieu and full satisfaction of and for such their said several shares, rights of common, and all other rights, property, and interests, to be ascertained and adjusted by such ways and means and in such manner as to the said Commissioners shall seem just and expedient, but subject to the rules, orders, and regulations herein contained or referred to and authorized to be established concerning the same.

XXVII. That in case any number of the proprietors or persons interested in the lands and fields agreed to be inclosed under the authority of this Act shall deem it expedient and desire to have their allotments thrown together and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the said Commissioner or Commissioners, such Commissioner or Commissioners shall and he and they is and are required to set out the several allotments of the said persons so giving notice as aforesaid in one plot or parcel of land, distinguishing the portion of such plot or parcel of land allotted to each of such proprietors by metes and bounds, but not requiring them to make any subdivision fences or other fences, save such ring or outer fences as may be necessary and may be ordered by the said Commissioner or Commissioners to be made for dividing the said plot or parcel of land from the residue of the lands so to be inclosed.

XXVIII. That for the purposes of shortening or rendering straight or otherwise improving any boundary fence or fences between the lands and fields hereby authorized to be divided, allotted, and inclosed, and the old or other lands thereunto adjoining, or between such allotments and inclosed or other lands, or any of them, and any adjoining lands and grounds, it shall be lawful for the said Commissioner or Commissioners (with the consent of the lord of any manor in which the lands are respectively situate, and of the owners of any such adjoining lands, testified by writing under their respective hands, or under the common seal of any of them being a corporation aggregate,) to set out, ascertain, and determine the boundaries between the lands hereby authorized to be divided, allotted, and inclosed, and any adjoining lands or grounds lying in the same or in any adjoining manor, parish, or place, as the said Commissioner or Commissioners shall judge proper for the purposes aforesaid; and after such boundaries shall be so set out, ascertained, and determined as aforesaid, the same shall be made, fenced, ditched, or mounded by such person, in such manner and at such times as the said Commissioner or Commissioners shall direct, and shall for ever thereafter be deemed the boundaries between the said allotted and inclosed lands respectively, or (as the case may be) between the said allotments or inclosed or other lands and such adjoining manor, parish, or place; any law, usage, or custom to the contrary notwithstanding.

XXIX. That the said Commissioner or Commissioners shall in and by his award order and appoint the grass and herbage growing and renewing upon all and every the private roads to be set out by him or them within the said lands and fields hereby authorized to be divided, allotted, and inclosed, to be and for ever hereafter remain to and for the use and benefit of such persons as the said Commissioner or Commissioners shall in his or their judgment think best entitled to the same.

And after noticing that the allotments made to any rector or vicar who may be entitled to any glebe lands in such open and common arable, meadow, or pasture lands or fields, or some of such allotments, may probably require some additional buildings, by reason whereof, and in order to render the same of greater value to the said rectors and vicars respectively, and their respective successors, it may be necessary that some buildings should be erected thereon, and some necessary division as well as interior or subdivision fences may be necessary to be made, planted and raised in and upon the said allotments or some of them: And that the erecting of such further buildings, and the making, planting, and raising such fences, will be attended with considerable expense, and as the same will probably be more beneficial to the successors of such rectors and vicars respectively than to the rector and vicar in whose incumbency such allotment and inclosure may take place;—

It is Enacted,

XXX. That it shall and may be lawful to and for the said rectors and vicars respectively, and their respective successors, by and with the consent in writing of the respective patrons of the said rectories and vicarages, and of the ordinary of the diocese for the time being, to erect or cause to be erected for agricultural purposes such further buildings upon the allotment or allotments (which buildings the said rectors and vicars respectively, and their respective successors, are hereby required to cause to be insured equal to the value thereof annually in some of the offices in London established for insurance against fire,) so as aforesaid to be set out unto the said rectors and vicars and their respective successors as aforesaid, and also to make, plant, and raise such outer division as well as interior or subdivision fences in and upon the said allotment or allotments as the said Commissioner or Commissioners shall judge necessary and proper for the occupation of the lands so to be allotted to the said rectors and vicars respectively, and their respective successors, and by any deed or deeds, writing or writings, under the respective hand and seal of such rectors or vicars respectively, and their respective successors, and attested by two or more credible witnesses, by and with the consent in writing of the bishop of the diocese for the time being, to charge such allotment or allotments as aforesaid to be set out for the said rectors and vicars respectively, and their respective successors as aforesaid, and the buildings so to be erected thereon, with such sum or sums of money not exceeding in the whole two years annual value of the respective allotments so to be set out to the said rectors and vicars respectively, as the said Commissioners shall think necessary for the purposes of and in order to be applied to paying and defraying the charges and expenses of erecting the said further buildings, and of making, planting, or raising such division or subdivision fences, or for either of the said purposes, and in applying for and obtaining the consent of the said bishop, and in exercise of the powers given to and vested in the said rectors and vicars respectively by virtue of this Act and the said recited Act; which sum or sums of money shall be paid to such person or persons as the said Commissioners shall nominate and appoint, in order to be applied or disposed of accordingly; and for securing the repayment of such sum or sums of money, with interest for the same, to grant, mortgage, lease, or demise the allotments as aforesaid to be set out unto and for the said rectors and vicars respectively, and their respective successors, as aforesaid, and the buildings so to be erected thereon, unto such person or persons who shall advance and lend the same, his, her, and their executors, administrators, or assigns, for any term or number of years, so that every such grant, mortgage, lease, or demise be made with a proviso to cease and be void, or with an express trust to be surrendered, when the sum or sums of money thereby to be secured, with the interest thereof, shall be respectively fully paid and satisfied; and such mortgagee or

mortgagees advancing and lending the money so to be borrowed shall not be obliged to see to the application or be in anywise answerable for the misapplication of such monies or any part thereof and the said rectors and vicars respectively, and their respective successors for the time being shall be and are hereby required and made liable, at the end of every year after the date of such mortgage, to pay to the person or persons to whom such grant, mortgage, lease, or demise shall be made, his, her, or their executors, administrators, or assigns, one thirtieth part of the respective principal monies so to be borrowed, until the whole thereof shall by such annual payments be paid off and discharged, and also to pay and keep down the interest of the said respective monies so to be borrowed, so that the future rectors and vicars of the said respective parishes or townships becoming possessed of such respective lands and fields shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger share of such monies than his or their proportion thereof according to such last-mentioned condition, or any interest for the same save only from the day of the death, resignation, or cession of the preceding incumbent of the said rectories or vicarages respectively; and that it shall and may be lawful to and for the person or persons who shall advance and lend such monies, his, her, or their heirs, executors, administrators, and assigns, for the more easily recovering the said one thirtieth part of the said principal and the whole of the interest which is enacted annually to be paid, to have, use, exercise, and take such and the same powers and remedies, by entry and distress upon the premises so to be charged, mortgaged, and demised, and sale of such distress, as by the laws now in force are provided for and given to landlords or as they can use and take for the recovery of rack rents in arrear.

xxxii. That it shall and may be lawful for the rectors of the said rectories and the vicars of the said vicarages respectively for the time being, by indentures under their respective hands and seals, with the consent and approbation of the bishop of the diocese for the time being, and of the patron of the said rectories and vicarages, from time to time to lease and demise all or any part of the allotments to be set out and allotted to them respectively by virtue of this Act, to any person or persons whomsoever, for any term not exceeding twenty-one years, so that the rent or rents for the same shall be thereby reserved to such rectors and vicars for the time being by four equal quarterly payments in every year, and so that there be thereby reserved to such rectors and vicars the best and most improved rent or rents that can be reasonably gotten for the same, without taking any fine, foregift, premium, sum of money, or other consideration for granting any such lease, and so that no such leases by any such lease or demise be made dispendible for waste by any express words to be therein contained, and so that there be inserted in every such lease power of re-entry on non-payment of rent or rents to be thereby reserved within a reasonable time, to be therein limited, after the same shall become due, and so that a counterpart of such lease be duly executed by the lessee or lessees to whom such lease shall be made as aforesaid; and every such lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

xxxiii. Provided, that in case, through the necessity of situation or any other accident or circumstance, it shall happen that one or more of the said proprietors shall not have an equal or proportionable quantity of boundary mounds or fences allotted to him, her, or them on the said intended inclosure, it shall be lawful for the said Commissioner or Commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain and appoint what sum or sums of money such proprietor or proprietors shall respectively pay and contribute towards making the mounds and fences of the allotments of such other proprietor or proprietors who shall or may have too great a proportion of mounding or fencing allotted to him, her, or them by virtue of this Act, the same to be settled by the said Commissioner or Commissioners in such manner as he or they shall order, direct, or appoint; and the money so ordered, directed, or appointed to be paid shall be raised, levied, and recovered in such and the same manner as the other expenses of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

xxxiiii. Provided, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter, or annul any settlement, deed, will, or lease, or to prejudice any person having any right or claim of dower, jointure, annuity, rent-charge, debt, or incumbrance whatsoever in, out of, upon, or affecting any of the lands, tenements, or hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other estate or right in pursuance of this Act; but as well the lands allotted as the tenements or other hereditaments which shall be assigned in exchange or as a compensation for any other estate or right shall, immediately after such allotment, exchange, or assignment shall be made, be vested, remain, and enure, and the several persons to whom the same shall be allotted, assigned, or given in exchange as aforesaid shall thenceforth stand and be seized and possessed thereof respectively, to, for, and upon such and the same uses, estates, intents, trusts, and purposes respectively, and subject and liable to such and the same deeds, wills, settlements, limitations, and remainders, conditions, charges, tenures, rents, services, and incumbrances, as the several lands, tenements, and hereditaments in respect whereof such allotments, assignments, and exchanges shall have been made should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made or acted upon; save and except such rents and services as shall have been compensated for and extinguished, and such leases and tenancies at rack rents as shall become void, by virtue of this Act, and subject nevertheless to all such mortgages and sales as shall be made by authority of this Act, or of the said Act, 41 Geo. 3.

xxxv. Provided, That all leases, agreements, and tenancies at rack rent subsisting of any part or parts of the lands and grounds hereby authorized to be divided, allotted, and inclosed at the time of the first appointment of any Commissioner or Commissioners for the inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the lands hereby authorized to be divided and allotted or exchanged, cease and be void at such time or times as the said Commissioner or Commissioners shall by writing under his or their hands direct or appoint, so as the respective lessors or landlords of such lands or tenements do, before or at the respective times at which such leases or tenancies shall be directed to cease, make and pay such satisfaction to the respective lessees or tenants for the loss which shall be sustained by the determination of such leases respectively, so far as regards the said lands the tenancy and leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners, being required by either of the parties, shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable part, according to the season of the year, of the rent reserved on any such lease or agreement, for or in respect of the time which shall have elapsed between the last day on which

any payment of the rent shall have become due and the determination of any such lease or agreement; and such part of the rent shall be recoverable by such ways and means as may by law be used for the recovery of rent in arrear; and the said Commissioners are hereby empowered and directed in every case where such lands or other hereditaments shall be held by virtue of such lease or agreement, together with other lands or hereditaments, by one entire rent, to apportion and determine what part of such rent shall be deducted in respect of such of the lands or other hereditaments in such lease or agreement comprised as to which the same shall be determined as aforesaid, and from what time such deduction shall take place; and the rest of the rent reserved on any such lease or agreement shall, during the remainder of the term thereof, be the rent of and for the residue of such lands and hereditaments, and shall be payable and recoverable in like manner as the entire rent reserved by such lease or agreement shall immediately before such apportionment be payable and recoverable.

xxxv. That it shall be lawful for the said Commissioner or Commissioners to set out, allot, and award any lands, tenements, or hereditaments whatsoever, whether situate within the boundary of such open and common lands or fields as aforesaid, or adjoining thereto, within the parishes, townships, or places in which the lands to be allotted and inclosed are situated, or any of them, in lieu of and in exchange for any other lands, tenements, or hereditaments within the same parishes, townships, or places respectively, or any of them, or within any parish, township, or place adjoining to the said parishes, townships, or places respectively, or any of them; provided that all such exchanges shall be ascertained, specified, and declared in the award of the said Commissioner or Commissioners, and be made with the consent in writing of the proprietor or proprietors of the hereditaments and premises which shall be so exchanged, whether such proprietor or proprietors shall be a body or bodies politic, corporate, or collegiate, corporation aggregate or sole, rector, parson, vicar, or other ecclesiastical person or persons, or a tenant or tenants in fee simple, or for life, or in fee tail, special or general, or by the courtesy of England, or for years determinable on any life or lives, by and with the consent of the lessor or lessors, but not otherwise, or with the consent of the guardians, husbands, committees, or attorneys of or acting for any such proprietor or proprietors who at the time of making such exchange or exchanges shall be respectively infants, femes covert, idiots, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves, himself, or herself, or of the trustees or feoffees for charitable, parochial, or other uses, or of the person or persons having power to sell and dispose of the hereditaments and premises which shall be so exchanged (such consent to be testified in writing under the common seal of the body politic, corporate, or collegiate, and under the hands of the other consenting parties respectively); and all and every such exchange and exchanges so to be made respectively shall be good, valid, and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, that no exchange shall be made of any lands, tenements, and hereditaments held in right of any church, chapel, or other ecclesiastical benefice, without the consent, testified as aforesaid, of the patron thereof, and of the bishop of the diocese in which such benefice shall be situate.

xxxvi. Provided, That the lands, grounds, and hereditaments which shall be allotted or exchanged by virtue of this Act shall be held in like manner, under and by virtue of the same terms and rents, and shall be thereafter deemed to be of the same quality and tenure, as the lands, tenements, or hereditaments in respect of which such allotment or allotments or exchanges shall be made were held or deemed to be of immediately before the making of every such allotment or exchange respectively: Provided always, that when the tithes of any common lands or fields agreed to be allotted or inclosed under the provisions of this Act belong to different persons or do not extend over the whole of such common lands or fields it shall be lawful for the Commissioners or Commissioner to allot the tithes as well as the land, in order that all persons may have tithe-free allotments in lieu of lands which were before exempted from tithes.

xxxvii. Provided, That all costs, charges, and expenses attending the making any exchanges and partitions shall be paid and borne by the several persons making such exchanges and partitions in such manner and in such proportions as the said Commissioner or Commissioners shall, by any writing under his or their hands, order and direct.

xxxviii. That the said Commissioner or Commissioners shall and may scour out, widen, and alter all such ancient ditches, drains, watercourses, tunnels, gates, and bridges in the respective open common arable, meadow, or pasture lands or fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen, and make any new ditches, drains, watercourses, tunnels, gates, and bridges in, through, and over the lands and grounds hereby authorized to be divided, allotted, and inclosed, (the expenses thereof to be raised and defrayed as the other expenses of executing the powers of this Act are herein directed to be raised and defrayed,) and of such breadth, depth, and dimensions, and in such directions, as the said Commissioners shall think proper; and the said Commissioner or Commissioners shall and may and they are hereby directed and required in and by their awards to order and determine by whom, and at whose expense, and at what time and in what manner, the said ditches, drains, watercourses, tunnels, gates, and bridges shall be afterwards cleaned, scooped, and maintained, and also shall and may direct, order, and award all or any of the streams, springs, and watercourses within the said lands and fields hereby authorized to be divided, allotted, and inclosed to be carried, diverted, and turned into such courses, and through, over, and across such parts of the lands and fields hereby authorized to be divided, allotted, and inclosed, as they the said Commissioners shall in their discretion judge proper for the draining or watering the several allotments so to be made as aforesaid.

xxxix. Provided, That if it shall be necessary, for the purpose of carrying off the water from such drains as may be made under the authority of this Act, to make drains through any land not to be inclosed, divided, or allotted under the same, it shall be lawful for the said Commissioners and their servants to enter upon such lands, and make such drains accordingly, due compensation being made for any damage done to such lands thereby; and it shall be lawful for such Commissioners in their award to direct by which of the persons to whom any allotment shall be made in any field so divided and inclosed such drains shall be maintained, and the persons so directed to maintain such drains shall maintain the same accordingly, and have the same authority to enter upon such lands as hereinbefore described, for the purpose of maintaining the same, as is hereinbefore given to the said Commissioners and their servants for the making of the same, making due compensation for any damage which may be done to such lands.

xl. That in case seven-eighths in number and value of the persons being seized, possessed of, entitled to, or interested in any open and common arable fields, or open and common meadow or pasture lands or fields, in England or Wales, and any

rights of common or any other rights therein, being persons having such estates or interests in the said lands, fields, or rights as are hereinbefore required for the purpose of consenting to any such proposed inclosure as aforesaid, shall by themselves or their known agents, or if covert, infants, idiots, or lunatic, then by their husbands, guardians, or committees, at a public meeting to be called for that purpose in the manner and after the notice hereinbefore provided for, or at some adjournment thereof, enter into an agreement for such inclosure under the provisions of this Act, but without the intervention of Commissioners, and for the discharge of the lands to be inclosed from all rights of common, and for the granting of compensation to such persons as may be possessed of such rights, whether consenting parties to any such agreement or not, and shall sign or seal (as the case may require) the schedule hereinafter mentioned, every such inclosure shall, from and immediately after the expiration of the notices of such schedule having been deposited as hereinafter mentioned, be as valid and effectual to all intents and purposes (subject only to the right of appeal hereinafter given) as if the same had been effected by means of Commissioners to be appointed under this Act.

XLI. That before any land shall be inclosed under the provisions herein contained for inclosure without the assistance of Commissioners, a schedule of such land, containing a correct description thereof, and signed by the persons proposing to make such inclosure, and also by the persons whose consent to such inclosure is hereinbefore required to be given, and whenever the inclosure shall be proposed to be made by any person having a less estate than a fee simple or under disability, then accompanied by a copy of the several limitations contained in the deed or will under which such person may be entitled, shall be deposited with the clerk of the parish, township, or chapelry, and also with the clerk of the peace of the county in which the land proposed to be inclosed may be situated; and a notice of such schedule having been so deposited (such notice containing a description of the land intended to be inclosed) shall be published in some newspaper usually circulating in the county wherein such land is situated, at three several times in three successive months after such schedule shall have been so deposited, and a copy thereof shall be affixed on the principal outer door of the church or chapel of the parish or township in which the land may be situated, before the commencement of divine service, or if there be no church or chapel then in some conspicuous place there, for three successive Sundays after such schedule shall have been so deposited: Provided always, that whenever such inclosure shall be proposed to be made by a corporation aggregate, or the consent of a corporation aggregate shall be necessary thereto, the affixing of the common seal of such corporation to such schedule shall be deemed a sufficient compliance with the provisions of this Act.

XLII. That it shall be lawful for any person who shall be seized or possessed of or entitled in possession to any land or tenement in respect of which compensation may be proposed or ought to be given, or to which any right of common may attach, or who, having no land in the common field in which an inclosure is proposed to be made, may nevertheless have a right of common therein, whether such person shall be tenant in fee simple, or fee tail, general or special, or for life or lives, or by the courtesy of England, or for any other estate of freehold, or for years determinable on any life or lives, and also for any person whose right of common may be merely personal, and for the guardian, trustee, feoffee for charitable or other uses, husband, or committee of such person who shall be an infant, idiot, lunatic, or feme covert, or under any other disability, to consent and agree to the compensation which may be offered or which ought to be given by the persons making such inclosure, not only as to the nature and amount of such compensation, but as to the manner in which the same shall be secured, and to sign the agreement for that purpose; but no such agreement shall be valid if entered into by any person having a limited interest only, or by any incumbent of a benefice, without the consent of the same persons and to be testified in the same manner as is hereinbefore required in the case of such persons being respectively parties to any agreement for inclosure: Provided always, that in case such compensation or any part thereof shall be agreed to be paid in money, and such money shall belong to any persons who in the said first-recited Act are mentioned or described as persons incapacitated to receive the same, then such money shall be paid and applied in such and the same manner as money belonging to such persons is directed to be applied under the provisions of the said first-recited Act.

XLIII. That whenever any agreement for compensation may or may not have been entered into, and notwithstanding any such agreement, if any person interested in any such inclosure, other than a person who may have signed such agreement or otherwise consented thereto, shall object to such inclosure, or to the nature or amount of any compensation which may be offered, or to the manner in which such compensation may be proposed to be secured, or on account of there not having been any compensation offered, it shall be lawful for him to state such objection in writing, and to deposit the same with the clerk of the peace at any time within six calendar months from the expiration of the aforesaid notices of the deposit of such schedule; and such schedule and copy of limitations, and every statement and document annexed to such schedule, and every statement of objection which may be so deposited, shall be open to the inspection of any person interested, and the deposit of such statement of objections in manner aforesaid shall be deemed and taken to be a sufficient notice to all persons interested in such inclosure.

XLIV. That the clerk of the peace shall cause the schedule and statement of objections, and all other papers relating thereto, and which shall have been so deposited with him, to be laid before the Justices at the General Quarter Sessions of the Peace, or at some adjourned meeting thereof, which shall be held not earlier than twenty-eight days next after the deposit of such objections, in and for the county, riding, or division wherein the lands proposed to be inclosed, or the greater part thereof, shall be situate; and all such objections shall be heard and determined by the said Justices in manner hereinafter provided.

XLV. That it shall and may be lawful for any person or persons interested in the said allotments at any time to mortgage, sell, demise, or dispose of all such estate, right, title, interest, and property which he, she, or they shall then have in or to the said open and common arable, meadow, or pasture lands or fields (or any one of them), and of the allotments set out in lieu thereof, before the execution of the award of the said Commissioner or Commissioners; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the conveyance or other instrument by which such sale or disposition is confirmed being produced to them, and the execution thereof proved to their satisfaction, to allot the same to the purchaser or purchasers thereof respectively; and if not so allotted such conveyance or other instrument shall be valid and effectual in law, notwithstanding it may have been so made before the execution of the said award.

XLVI. That it shall be lawful for the said Commissioner or Commissioners, in case he or they shall be requested by writing under the hand or hands of any person or persons being tenant for life, or other person being in possession of, but not having the absolute estate or interest in, any lands hereby authorized to be allotted and inclosed, to sell and dispose of any part or parts of the allotment or allotments belonging to such person or persons, for the purpose of defraying his, her, or their shares of the costs, charges, and expenses of putting into execution this Act and the said recited Act, 41 Geo. 3. c. 109, and the expenses of fencing, ditching, subdividing, and inclosing such allotment or allotments; and the said Commissioners shall accordingly sell such part or parts of such allotment or allotments, either by private contract or public auction, as they shall think proper, to such persons or persons as shall be willing to purchase the same, and shall convey the same to such purchaser or purchasers by any deed under their hands and seals; and the receipt of the said Commissioners for such money shall be a full and complete discharge to such purchaser or purchasers for such purchase-money; and the said Commissioners shall apply the purchase-money in or towards the payment of such expenses, and in fencing, ditching, subdividing, and inclosing the said allotment or allotments respectively, and not otherwise; but such purchaser or purchasers shall not be liable to see to the necessity or expediency of such sale, nor be answerable nor accountable for the misapplication of such purchase-money; and upon the payment of such purchase-money or purchase-moneys into the hands of the said Commissioner or Commissioners, the lands so to be sold as last aforesaid shall immediately thereupon be vested in fee simple in possession (if such allotment or allotments is or are made in right of freehold) in the purchaser or purchasers thereof, and the same shall be thenceforth held in severalty by such purchaser or purchasers thereof respectively, as his, her, or their private property, and shall be allotted accordingly by the said Commissioner or Commissioners.

XLVII. Provided, That where any allotment or allotments so to be made to any person or persons being tenant for life or in tail or other person being in possession but not having the absolute estate or interest in any lands hereby authorized to be allotted and inclosed, which stand limited to the same uses, shall be situated partly in one and partly in another parish or township or place, it shall and may be lawful to and for the said Commissioner or Commissioners, in case they shall be requested as last hereinbefore mentioned, to sell and dispose of, and to convey and assure to the purchaser or purchasers thereof, any part or parts of the said allotments belonging to such person or persons in any one or more of the said parishes, townships, or places, in manner in that behalf hereinbefore mentioned, as well for the purpose of defraying his, her, or their share or shares of the costs, charges, and expenses of putting into execution this Act and the said recited Act, and the expenses of fencing, ditching, subdividing, and draining such allotment or allotments in respect of such of the said lands as are situated within the same parish wherein the said allotment or allotments so sold may be situated, as for and in respect of such of the said lands or other hereditaments or allotments as may be situated in any other township or place: Provided always, that it shall not be lawful to raise by such sale any further or greater sum of money than the person or persons part of whose allotment or allotments may be sold or disposed of would have been empowered and authorized to borrow or charge upon his, her, or their allotment or allotments under or by virtue of the said recited Act or this Act, reckoning 5*l.* for each and every acre of such allotment or allotments.

XLVIII. Provided, That it shall not be lawful for the proprietor or person from whose allotments lands shall be as aforesaid deducted to charge his, her, or their lands or hereditaments, by virtue of the said recited Act or this Act, with any money towards payment of such expenses, unless the money to arise by such sale shall be less than the sum of 5*l.* per acre; and then and in such case it shall be lawful for such person or persons to charge his, her, or their estate or estates with, or to raise by mortgage thereof, or other means or ways, as mentioned in the said recited Act or this Act, such further sum of money as may be necessary for the payment of the expenses of executing this Act, and subdividing the said allotments, as, together with the value of the lands so deducted, shall not exceed the amount that might be borrowed and charged on the lands to be divided and allotted at the rate of 5*l.* for each and every acre.

XLIX. That the charges and expenses of surveying, valuing, planting, measuring, dividing, and allotting the said open and common arable, meadow, or pasture lands or fields hereby authorized to be divided, allotted, and inclosed, and of fencing the lands of the persons from whom a deduction of land shall be made as hereinbefore directed, and also the expenses of preparing and enrolling the awards of and the allowances and payments to be made to the said Commissioner or Commissioners, umpire, and surveyors respectively, as hereinbefore directed, and all other charges and expenses incident to or attending the carrying this Act into execution, shall be paid, borne, and defrayed by all the proprietors of the lands and hereditaments so authorized to be divided, allotted, and inclosed, or exchanged, in such proportions as the said Commissioner or Commissioners shall settle, adjust, and determine, to be paid at such time or times and to such person or persons as they the said Commissioner or Commissioners shall order and direct; notice thereof in writing under their hands being given thirty days before the time such payment shall be required: Provided always, that in case any number of persons whose allotments shall not exceed two acres respectively shall have required their allotments to be thrown together as aforesaid, such persons shall not be liable to pay, bear, or defray any part of the charges and expenses as aforesaid: Provided also, that it shall be lawful for four-fifths in number and value of the proprietors and persons interested as aforesaid, at any meeting to be held as hereinbefore is mentioned, to agree that any persons whose allotments shall not exceed five acres respectively shall not be liable to pay, bear, or defray any part of the charges and expenses aforesaid, and such persons shall by virtue of such agreement be exempt from all liability thereto.

L. That once at least in every year, to be computed from the first appointment of such respective Commissioner or Commissioners, the accounts of the said Commissioners, Commissioner, or umpire, containing a true statement of all and every sum and sums of money by them received and expended, or due to them for their trouble and expense in the execution of this Act and the said recited Act, 41 Geo. 3. c. 109, until such account shall be finally settled, shall, together with the vouchers relating to the same, be by them laid before three of His Majesty's Justices of the Peace for the county in which the lands to be inclosed, or the greater part of them, shall be situated, to be by them examined and balanced; and such balance shall be stated in the books of account to be kept in the office of the clerk of the said Commissioners; and no charge or item in such account shall be binding on the parties concerned, or valid in law, unless the same shall be so allowed: Provided also, that it shall not be lawful for the Commissioners to be appointed in pursuance of this Act, or any of them, to retain or pay to themselves or clerk, out of any monies

to be received by them or over which they may have any controul in the execution of any inclosure to be effected under this Act, any sum or sums of money on account of any allowance hereinbefore directed to be made to such Commissioners and clerk respectively beyond one-third of such allowance as they shall respectively be entitled to as aforesaid, until after the expiration of six calendar months from the day of the delivery of the award hereby directed to be made in the church of the parish in which the lands inclosed may be situate.

LI. That the said Commissioner or Commissioners shall make and execute awards, with maps or plans thereto annexed, and shall cause the same to be enrolled in manner as directed by the said recited Act; and such awards shall be deposited in the respective parish churches of the parishes wherein the lands so to be allotted and inclosed, or the greater part thereof are situated.

LII. That all and every the clauses, provisions, and enactments contained in the said Act, 41 Geo. 3. c. 23, and 1 Geo. 4. c. 109, or such of them as are applicable to and consistent with the purposes and object of this Act, shall and may be in full force and effect for carrying into effect the allotments, division, inclosures, and exchanges hereby authorized to be made, as fully and effectually as if such clauses, provisions, and enactments had been herein repeated and re-enacted, and had been made part of this Act, with such alterations and variations as would adapt them and render them applicable to the object and purposes of this Act.

LIII. That it shall be lawful for all persons who shall think themselves aggrieved by anything done by virtue of this Act or the said recited Act (except in cases where the things so done are herein or by the said Act, 41 Geo. 3. c. 109, declared to be final, binding, and conclusive,) to appeal to the General Quarter Sessions of the Peace which shall be held in and for the county, riding, or division wherein the lands or the greater part thereof, in respect of which the matter of complaint may arise, shall be situated, or any adjournment thereof, within six calendar months next after the cause of complaint shall have arisen, first giving or causing to be given twenty-eight days notice thereof in writing to the said Commissioner or Commissioners, or one of them, or to the parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any adjournment thereof, are hereby authorized and required to hear and determine the matter of every such appeal, and shall also hear and determine any appeal against the sum agreed to be paid to any Commissioner or surveyor, or against the adoption of any plan, map, admeasurement, or valuation, or against any rules, conditions, and principles which may have been agreed upon in manner aforesaid for the guidance of the Commissioner or Commissioners or umpire in making allotments, and shall also hear and determine all objections (if any) which may have been made in manner aforesaid to any inclosure without the assistance of Commissioners, or to the nature or amount of the compensation which may have been offered, or to the manner in which the same may have been proposed to be secured, or on account of there not having been any compensation offered, and to make such order in every such case respectively, and to award such costs, as to them in their discretion shall seem meet, and by their warrant to levy the costs awarded by distress and sale of the goods and chattels of the parties respectively adjudged to pay the same, rendering the overplus (if any) to the respective owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and every determination of the said Justices shall be final and conclusive on all parties concerned; and no such complaint, appeal, or proceeding shall be removed or removable by certiorari or any other writ or proceeding whatsoever into any of His Majesty's courts of record at Westminster or elsewhere; but in case such appeal shall appear to the said Justices to be frivolous, vexatious, or without foundation, then the said Justices shall award such costs to be paid by the appellant or appellants as to them in their discretion shall seem reasonable, and to be levied in manner aforesaid.

LIV. Provided, That nothing in this Act contained shall in any case authorize the inclosure of any waste whatsoever, whether the soil thereof shall or shall not be vested in the lord of any manor, and whether with or without the assent of the lord of such manor; nor shall anything in this Act contained prejudice, lessen, or defeat the right, title, or interest of the respective lords for the time being of any such manors in or to any of the royalties or seignories, fisheries, manorial and other rights, customs, and services incident or belonging to the said respective manors or any of them: but that such respective lords and all and every person and persons claiming in trust for him or them, as such respective lords for the time being of the said several and respective manors, shall and may at all times for ever hereafter have, hold, receive, take, and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves and put in exigent, deadlands, waifs, estrays, and forfeitures, privileges and jurisdictions of their several and respective manors, to the respective lords thereof, or any person or persons claiming under him or them, incident, belonging, or appertaining, except in respect of any land or estate for which compensation is hereinbefore authorized to be made, in as full, ample, and beneficial manner, to all intents and purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

LV. Provided, That nothing in this Act contained shall authorize the inclosure of any open or common arable fields, or of any open or common meadow or pasture lands or fields, situate and being within ten miles of the city of London, or of any open or common meadow or pasture lands or fields situate and being within one mile of any city or town of five thousand inhabitants, or within one mile and a half of any city or town of fifteen thousand inhabitants, or within two miles of any city or town of thirty thousand inhabitants, or within two miles and a half of any city or town of seventy thousand inhabitants, or within three miles of any city or town of one hundred thousand inhabitants; provided that in all cases the number of such inhabitants, shall be ascertained by the then last Parliamentary census thereof, and that such distance shall be measured in a direct line from the town hall if there shall be any town hall, or if there shall be no such town hall then from the cathedral or church, if there shall be only one church, or if there shall be more churches than one then from the principal market place of any such city or town.

LVI. That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in the construction of this Act, except when the nature of the provision or the context of the Act exclude such construction, be interpreted as follows; (that is to say,) the words "proprietor," "owner," and "person" shall respectively extend as well to an individual as to a body politic, corporate, or collegiate, and to a corporation as well aggregate as sole, whether such corporation be eleemosynary or civil, ecclesiastical or lay; the word "benefice" shall extend to and be taken to comprehend rectories, vicarages, donatives, perpetual curacies, parochial and consolidated chapels and churches, and chapels

having a district assigned thereto; the word "tithes" shall extend to any rent-charge or payment in lieu of tithe; the word "land" shall extend to every species of land, whether arable, meadow, or pasture, and whether freehold, copyhold, or customary, or held by any other tenure, and as well to one piece or parcel as to any number of pieces or parcels of land; the word "parish" shall be construed to include any parish, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place or division or district of a place, whether parochial or extra-parochial; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

LXVII. Provided, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, or derogate from the estate, right, title, interests, privileges, or authority of the King's most excellent Majesty, His heirs and successors, in right or in respect of his Duchy of Cornwall, or of the Duke of Cornwall for the time being, or to authorize, sanction, or permit the inclosure of any lands, grounds, tenements, or hereditaments, whatsoever, or give any right or title whatsoever to any encroachment or intake heretofore made thereupon, or otherwise affect any lands, grounds, tenements, or hereditaments whatsoever belonging to or held of or being within and forming part and parcel of any manor, messuage, or tenement, open field, pasture, common, or other land or ground whatsoever, or any advowson, rectory, or vicarage, parcel of the possessions of the Duchy of Cornwall, or wherein or whereunto, or over, upon, or with reference whereto, His Majesty, in respect of his said Duchy of Cornwall, or the Duke of Cornwall for the time being, may have or claim to have any estate, right, title, or interest whatsoever, nor at any time or times be admitted in any court of law or equity or otherwise considered as evidence upon any occasion to affect in any manner, His Majesty, his heirs and successors, in right or in respect of his said duchy of Cornwall, or the Duke of Cornwall for the time being.

LXVIII. Provided, That nothing in this Act contained shall authorize the inclosure of any open lands in, to, or over which His Majesty, in right of his crown or of his duchy of Lancaster has or may have or claim to be entitled to any estate, right, title, or interest whatsoever.

LIX. Saving always to the King's most excellent Majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, ecclesiastical and civil, his, her, or their respective heirs, successors, executors, and administrators, (other than and except the persons to whom any allotment or compensation shall be made by virtue of this Act, in respect of the interest or property for which such allotment or compensation shall be made to them in respect of such right, and except such other rights and interests as the intents and purposes hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act, and all persons respectively claiming under them or in remainder after them,) all such estate, right, title, interest, claim, and demand as they, every or any of them, had or enjoyed of, in, to, or out of the said open and common arable, meadow, or pasture lands or fields hereby authorized to be divided, allotted, and inclosed, before the passing of this Act, or the carrying the powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the powers thereof had not been carried into execution.

CAP. CXVI.—IRELAND.

AN ACT to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *All presentments to be made under this Act.*
2. *The Act 36 Geo. 3. (I.) repealed after 1st Feb. 1837, and all appointments of inspectors of commons, &c. made under that Act to cease.*
3. *Explanation of terms.*
4. *Justices to hold presentment sessions for the purposes of this Act at the times and places appointed by the grand jury.*
5. *Grand juries at assizes to fix times and places for presentment sessions; and may direct what number of copies of applications shall be printed and distributed.*
6. *Only one such sessions in cities and towns.*
7. *Collectors to make returns of cess payers for grand jury.*
8. *Grand jury to fix the number of cess payers to be associated with the Justices for the purposes of this Act.—Proviso.*
6. *Justices to choose a chairman, and select by lot the number of cess payers to be associated with them.—As to the powers of the cess payers so associated.—In case cess payers do not attend the Justices may act alone.*
10. *Declarations of Justices and cess payers.*
11. *Promulgating notices.*
12. *Application for works where to be made.*
13. *Applications for works to be charged upon two or more baronies.*
14. *Applications to be lodged with high constable or secretary of grand jury.—Secretary to arrange and number them.*
15. *County surveyor may make application respecting public works if none already made.*
16. *Manner in which applications are to be made.*
17. *Applications to be decided upon at sessions.—Justices may direct the surveyor to prepare specifications and forms of tender.—Chairman to endorse applications adopted.—Adjourned sessions for opening tenders and proposals.*
18. *Proceedings in case the Sessions refuse to approve any applications for public works.*
19. *If it is probable that the expense of any work will exceed 100l. the opening of the tenders may be referred to the grand jury.*

20. *Works of maintenance.*
21. *Provision in case of death or illness of applicant.*
22. *Advertisement for tenders and proposals.—Contents of tenders, &c.*
23. *At adjourned sessions tenders to be opened and contract entered into with person making lowest proposal.—If no proposal made application to be void.—If no presentment made contract to be void.*
24. *Security to be by recognisance to the King.*
25. *Schedules of applications to be prepared by secretary of grand jury, and printed.*
26. *Treasurer to applot the sum required, and return the applotment to the grand jury.*
27. *Approved applications for new works where the sum exceeds 50*l.* to be certified by grand jury.*
28. *Sessions holden next after the assizes at which such application shall have been certified to proceed with the same like other applications.*
29. *The sheriff to impanel grand jury not more than five nor less than one day before each assizes.—Sheriff, &c. to attend and impanel the jury.—Jurors to be sworn.*
30. *The oath not to bind grand jurors to secrecy.*
31. *One freeholder or leaseholder from each barony to be placed upon the grand jury panel.*
32. *Certain county officers not to serve on grand juries at presentment sessions.*
33. *Grand jury so impanelled to be the grand inquest of the county.*
34. *Grand juries not to enter on criminal business until commission is opened; and the fiscal business to be concluded before the opening of the commission.*
35. *Except in case of special application made to Judge of assize upon cause shewn; and in presenting for expenses of witnesses.*
36. *Grand jury to be called over at stated times by foreman.—Penalty for default of attendance.—Penalty for neglect of foreman.*
37. *Grand jury, as soon as impanelled, to proceed with fiscal business, and to make or refuse presentments on all applications supported by presentment sessions.*
38. *Grand jury not to make any presentment unless application approved at presentment sessions.*
39. *Appointment of county surveyors.*
40. *Surveyors liable to be dismissed.—Surveyors may appoint deputies in case of illness.*
41. *Salaries of county surveyors.*
42. *Duties of county surveyors.*
43. *Surveyors shall keep an office open, and appoint a clerk.*
44. *Surveyor or clerk not to fill any other county office, &c.*
45. *Appointment of secretary of the grand jury.*
46. *Such secretary not to be a clerk of the peace, &c.—Penalty on such secretary for neglect of duty.*
47. *Grand juries not to name persons in presentments by whom works are to be executed.—All works, printing, &c. to be executed by contract.—All contracts to be by sealed tenders and proposals.—No county officer, &c. eligible to contract.*
48. *Secretary to keep a book containing abstracts of contracts.*
49. *Any two Justices may order sums not exceeding 20*l.* for repairing sudden damages to bridges, and 10*l.* to roads, &c.*
50. *Presentment for widening or repairing public roads.—Proviso in case of post roads.*
51. *Presentment for making and repairing footpaths.*
52. *Presentment of roads, &c. to be repaired by contract for any time not exceeding seven years.—Levy for payment.*
53. *For removing doubts as to contracts made under 3 & 4 Will. 4. c. 78.*
54. *County surveyor to cause roads to be repaired in case of neglect on the part of contractor.*
55. *Presentment for new lines of road to be levied on the barony; in case of post roads on the county and barony.—Map of the line to be lodged with secretary along with application.—Service of notices upon occupiers of land.*
56. *Presentment for lowering hills, filling up hollows, building and repairing bridges, &c. upon public roads.*
57. *Where a river or road is the boundary of two counties, only one-half the sum shall be raised off either.*
58. *Line of new road may be surveyed upon certificate of surveyor allowed by two Justices.*
59. *Penalty for using new road for certain time after making.*
60. *Presentment of old roads to be stopped up.*
61. *Commissioners of Public Works, on application of Postmaster General, and with consent of Lord Lieutenant, to cause post roads to be repaired.*
62. *Amount of money expended in such repairs to be certified to the grand jury of the county, who shall present the same.*
63. *Expenses of repairing bridges between counties to be borne equally.*
64. *Proceeding in case of grand jury refusing or neglecting to make presentment.*
65. *If road repaired is turnpike, expenses of repair to be charged on the tolls.—Receiver of tolls to be appointed.*
66. *Presentment for obtaining correct maps of alterations of county roads.*
67. *Presentment for constructing, repairing, &c. piers and quays on navigable lakes or rivers, and making approaches, &c.*
68. *Such piers or quays to become public property.*
69. *Presentments for building, repairing, &c. court houses and sessions houses.—Expenses may be raised by half-yearly instalments.*
70. *If sessions are directed to be held in any place where there may not be a sessions house, the surveyor to prepare specifications, plans, &c.—Grand jury to examine them, and if they think proper present that a sessions house shall be built, and a sum levied off the county for that purpose.—If no presentment made Lord Lieutenant to direct Commissioners of Public Works to build sessions house.*
71. *Grand juries may advertise for specifications, &c.*
72. *Presentment for purchase of sites for court houses and sessions houses.—Lands purchased to be conveyed to Commissioners.—When purchases are directed to be made under valuation of a jury, Commissioners may issue their warrant to the sheriff, and the same proceedings shall take place as directed by recited Act.*
73. *Presentment for rents of court and sessions houses.*
74. *Court house for county at large built within a county of a city, &c. to be deemed part of the county at large.*

75. Commissioners may sell old court houses.—Proceeds to be applied to county purposes.
76. Presentment for fuel for court house.
77. Presentment for rent of petty sessions room.
78. Grand juries may present for sums not exceeding 1,000*l.* to be paid as consideration for surrenders of leases.
79. Presentment for session house keepers and interpreters.
80. Presentment for gallows, milestones, &c.
81. Presentment for support of fever hospitals and dispensaries established by subscription.—Accounts of hospital and dispensary to be separate.
82. Presentment for erection of fever hospitals not to exceed double the amount of private subscriptions.
83. Presentment for support of county fever hospitals.—Account of receipt and expenditure to be laid before Sessions.
84. Presentment for building or repairing county fever hospital;—to be raised by instalments in six years.—Presentment being certified to Lord Lieutenant he may direct advance of money.—Treasurer to repay money so advanced.
85. Presentment for the maintenance of a county infirmary.
86. Presentment for salary of surgeon to a county infirmary.
87. Penalty for giving or promising any money, &c. to obtain the appointment to any office or employment under this Act.—Persons appointed to office to subscribe a declaration at the next Assizes, which shall be preserved.
88. Presentment for the support of houses of industry.
89. Presentment for support of lunatic wards in houses of industry.
90. Presentment to repay advances by order of Lord Lieutenant to defray expenses of a board of health.
91. Presentment for erecting, &c. district lunatic asylum.
92. Presentment for support of district lunatic asylum.
93. Presentment for repaying advances from Consolidated Fund for erecting and supporting any district lunatic asylum.
94. Presentment for purchase-money and rents of sites of lunatic asylums.
95. So much of 7 Geo. 3. as relates to the erection of an infirmary at Donegal repealed.—Lord Lieutenant may direct it to be removed.
96. Presentment for building, &c. diocesan schools and school-houses.
97. Presentment for coroners.—No coroner to receive more than at the rate of 2*l.* for each inquest.
98. Certificate of coroner to be laid before Sessions.—Coroner may be examined upon oath.
99. Presentment for medical witnesses examined on inquests.
100. No presentment for coroner guilty of neglect of duty.
101. Presentment of money for Constabulary Force.
102. Presentment for constables superannuated for wounds, &c.
103. Presentment for constables superannuated for age or infirmity.
104. Presentment for expenses of special constables.
105. Presentment for expenses of prosecutors and witnesses in cases of felony.
106. Presentment for compensation of persons maimed, and to representatives of persons murdered in certain cases.
107. Presentment for rewards to prosecutors of felons.
108. Presentment for expense of removing offenders.
109. Presentment for maintenance of deserted children.—If application is disallowed, the Judge may order a sum in certain cases.
110. Presentments for salaries of county officers, &c.—Proviso.
111. No presentment to be stated without certain certificates.
112. Affidavit of emoluments to be made by clerk of the crown and clerk of the peace.
113. Further presentment for clerk of the crown and other officers in certain cases.
114. Presentments for secretaries to include stationery.
115. Presentment for expense of registry books and lists of voters.
116. Presentment for copies of weights and measures, and for stamps and remuneration of inspectors.
117. Presentment for expenses of suing treasurers and contractors, &c.—Taxed bill of costs to be laid before sessions.
118. Presentment for salary and expenses of Commissioners of Valuation and allowances of valuers.
119. Presentment for trackways on banks of navigable rivers.
120. Owners of ferries may erect bridges and take tolls, on certain conditions.—Grand Jury may present for the purchase of the property in such bridges to open them toll-free.
121. Power for grand juries to redeem tolls payable on certain bridges.—Presentment of sums necessary to redeem.
122. Not to affect the power to make presentments for erecting of certain bridges.
123. Nor the authority to make presentments for clearing rivers if previously applied for and approved at baronial presentment sessions.
124. Powers reserved to grand juries to make presentments under Prison Act.
125. Grand jury may superannuate keepers, turnkeys, or matrons, on certain recommendations and certificates.—Presentment for such superannuation.—Not to exceed two-thirds former salary.
126. Powers reserved to grand juries to present for advances, &c. from Commissioners of Public Works.—Application to be made at sessions.
127. All presentments shall contain a reference to the chapter and section of the Act under which they are made, &c.
128. Advances may be made to contractors in certain cases not exceeding three-fourths of the cost of the work.
129. Contractors liable to be summoned before Justices at petty sessions for wages.
130. Contractors to procure certificate from county surveyor of the completion of their work, and lodge notice with secretary of grand jury of application for payment.—Secretary to lay notices, &c. before presentment Sessions.—Such applications to be dealt with in like manner as applications for presentments;—and allowed or disallowed by grand jury at their discretion.—Proviso.
131. Contractors for printing to obtain certificate from clerk of the peace, &c.
132. Treasurer not to pay if application traversed.
133. All presentments and applications by contractors for payment liable to traverse.—Notice of traverse to be given.
134. Traverses of presentments for damages.—Presentment of sums found by jury.
135. Compensation for malicious injury.—Notice of injury to be given within six days to churchwardens, &c.—Application to Sessions;—to be laid before grand jury with opinion of Sessions indorsed, and presentment made or refused, &c.
136. Applications when and where to be made.
137. Persons injured to give in examinations upon oath before a Justice within three days after offence committed.
138. When presentment is opposed or application disallowed, a jury may be sworn to try the matter.—Their verdict to be final.—Costs.

139. No presentment for compensation to be recovered by certiorari;—nor traverse allowed.—No action or suit in cases provided for by this Act.
140. Mode of obtaining compensation for injury committed near boundaries of counties.
141. No fees to be taken.
142. Clerk of the crown to deliver copies of presentments, &c. to county treasurer;—to be printed and distributed;—presentment for printing Schedules, &c.
143. Imperative presentments to be printed separately.
144. Copies of all presentments made to be laid before Parliament.
145. Power to re-present arrears to be levied as sums originally presented.—Surplus monies applicable to general purposes of county.—Affidavit of arrears before re-presentment.
146. Application of sums presented for works not executed.
147. Appointment of high constable and collector for each barony in counties.—Collectors in cities and towns.—In case of vacancy Justices to appoint *pro tempore*.
148. High constable and collectors to give security.—Affidavit by them of fair levy.—May appoint deputies.
149. Treasurer to issue his warrants to collectors after receiving the copies of presentments.—Money to be collected and paid in two days before next Assizes.—Treasurer's warrant to be in force for two years.
150. Nothing herein to repeal 7 Geo. 4. c. 62, &c.—Assessments shall be levied according to valuations made, so soon as they shall be completed.
151. Collector of grand jury cess upon receipt of warrant to send to the seneschal an account of the money required and desire it to be apportioned.—Notice of meeting of inhabitants.—Apportioners to be chosen, who shall apportion the sum to be levied.—Affidavit of justness of apportionment.—Collector to levy accordingly.
152. Grand jury cess may be levied by distress and sale.—If not expedient to proceed by distress, notice to be left requiring payment within six days, and if not paid in that time complaint to be made to a Justice, who shall summon the party.—In default of appearance, goods of party may be distrained in any part of county;—or in any other county, upon oath before Justice of such county.
153. Grand jury cess shall be paid by person in the occupation of the lands and premises at the time of the levy.
154. For removing doubts as to the power of the grand jury of the county of Kilkenny making certain presentments.
155. Treasurer to cause any public building to be insured that may be so directed by a grand jury.
156. Drivers to keep the left side of the road.—Penalty.
157. No house to be built within thirty feet of the centre of any road.—No lime-kiln or windmill shall be built within one hundred feet of the centre of any public road.
158. Swine wandering on roads may be seized and impounded, and owner fined, &c.—Notice of seizure to be posted.
159. Persons scouring or filling any ditches without consent of surveyor; or owners who do not scour ditches or drains within ten days after notice; or persons who ride or drive unnecessarily on footpath or leave obstructions or nuisances on any road; or without consent of surveyor or contractor shall scrape any public road; to forfeit not exceeding 20s.—Surveyors may fill drains, &c.;—and any person by order of Justices may remove nuisances;—and levy the expenses thereof.
160. Surveyors, &c. not liable to penalties for acts done in the discharge of their office;—but fineable in certain cases.
161. Surveyor or contractor may require owners of land to prune hedges or trees injuring roads.—Owners not complying to be summoned before Justices at petty sessions.—Justices may order hedges or trees to be pruned by owner;—on refusal of owner, surveyor or contractor may do it.—Owner to pay expenses, which may be levied by distress and sale.—Proviso.
162. Power of surveyors and contractors to dig for materials;—and to make drains.—Satisfaction for damage to be assessed by three householders.
163. Materials not to be taken to the injury of any road or building.—Penalty.
164. Penalty for assaulting surveyors or contractors, or for injuring public works.
165. Proceedings in case any public work erected by presentment shall be wantonly injured.
166. Applications relating to salaries and contingencies to be lodged with the secretary.
167. Dublin grand juries to transact fiscal business in open court.
168. No stamp duty upon contracts and recognizances under this Act.—Proceedings for breach of contract before assistant barrister under certain amount.
169. Forfeitures to be levied by distress and sale, and if not otherwise directed, divided between informers and some hospital.
170. The party distraining not to be a trespasser in consequence of irregularity.
171. General issue may be pleaded.
172. Justices not to take money for affidavits.—False swearing punishable as perjury.
173. Weights and measures.
174. Money to be the present currency.—Schedules part of the Act.—Notices, &c. not to be impeached on technical grounds.
175. Baronies, &c. may be divided, or may be united.
176. Certain counties may be divided into two ridings or districts.
177. Lord Lieutenant to make rules and regulations touching the venue in all cases to be tried within the said divisions, and all other matters consequent upon such division.—Not to abridge the rights of sheriffs, &c.
178. Repayment of money advanced out of the Consolidated Fund.
179. If grand jury refuse or neglect to present money which ought to be presented to repay monies advanced out of the Consolidated Fund, the Court shall make an order which shall have the form of a presentment.
180. No presentment for such repayment unless demanded within five years, &c.
181. Saving for repayment of advances under 5 & 6 Will. 4. c. 48.
182. Treasury may direct 8,000*l.* recovered from late treasurer of Tyrone to be paid to the new treasurer, for payment of contractors, &c.
183. Grand jury empowered to present the said sum of 8,000*l.* to be levied off the county by half-yearly instalments.
184. Commencement of Act. Presentments made before commencement of this Act to be accounted for under former Acts.
185. Act to extend only to Ireland.
186. Act may be altered.

By this Act,

After reciting that the laws heretofore made and in force in Ireland for the purpose of regulating the fiscal powers of grand juries have become obscure and complicated from their multiplicity, and their provisions have been found in many respects

insufficient, and that it is expedient, with a view to secure the better execution of public works, and facilitate the transaction of local business, that the said laws should be consolidated and amended, and that a uniform system of raising money by presentment of grand juries should be established in all counties in Ireland, whether counties at large, counties of cities, or counties of towns :—

It is Enacted,

I. That from and after the commencement of this Act it shall not be lawful for any grand jury of any county, county of a city, or county of a town, except the county and city of Dublin, at any Assizes to make any presentment (save and except in the cases hereinafter specially reserved and excepted) for the execution of any public work whatsoever, or for raising any money, unless under the authority and by virtue of the provisions of this Act.

And after reciting that by 36 Geo. 3. (I.), whereby the grand jury of any county in Ireland in which there is a common consisting of not less than 2,000 acres of land is empowered to appoint an inspector of such common, and such inspector is empowered to appoint sub-inspectors as therein mentioned, and the grand jury is also empowered to appoint yearly salaries to such inspector and sub-inspectors, and in order to raise a sum sufficient for that purpose yearly at the Assizes for the county to present such sum to be raised off the occupiers of the land surrounding such common and meadow therewith or fronting to the same as shall be necessary for the purpose aforesaid and not exceeding the rate in the said Act mentioned : and that it is expedient that the said last-mentioned Act should be repealed ;—

It is Enacted,

II. That from and after the 1st of February 1837 the said Act shall be and the same is hereby repealed ; and that from and after the said 1st of February 1837 all appointments of inspectors, sub-inspectors, and other officers already made or in the meantime to be made by or under the authority of such last-mentioned Act, and the offices, powers, and authorities of all such inspectors, sub-inspectors, and other officers respectively, and all salaries or other allowances to such inspectors, sub-inspectors, and other officers respectively, shall cease and determine.

III. That in the construction of this Act the words “ Lord Lieutenant of Ireland ” shall extend to and include any Lords Justices or other Chief Governor or Governors of Ireland for the time being ; and every half barony shall be considered and deemed a barony ; and wherever the word “ county ” shall occur the same shall be deemed and taken to include and import any county at large, or county of a city, or county of a town and city, or city or town and county ; and wherever the word “ Assizes ” shall occur in this Act it shall be deemed and taken to include and import “ presenting term ” ; and whenever in this Act any authority is given to, or any duty is directed to be performed by, any Judge of Assize, such authority shall be understood as given to, and such duty as directed to be performed by, the Justices of the King’s Bench in Dublin in any presenting term ; and every word importing the singular number shall extend and be applied to several persons, animals, or things as well as to one person, animal, or thing ; and every word importing the masculine gender shall extend and be applied to a female as well as to a male, unless the contrary thereof shall be expressed, or that any such construction as aforesaid shall be inconsistent with or repugnant to the context.

IV. That from and after the commencement of this Act it shall and may be lawful to and for every Justice of the Peace in and for any county, county of a city, county of a town, or city and county in Ireland, not being a stipendiary Magistrate, to attend, and all such Justices are hereby required to assemble, from time to time, and with the cess payers associated with them as hereinafter appointed, to hold a special or presentment sessions for the purposes of this Act, and in such place or places and at such time and times, within any and every such county, as the grand jury of the same shall have appointed pursuant to the provisions hereinafter following.

V. That it shall be lawful for the several grand juries in every county in Ireland, and they are hereby required, at each Assizes to appoint, by presentment, certain places within their respective counties (videlicet, one in each barony or half barony,) where, and certain times when, presentment Sessions shall be successively holden previous to the next Assizes for such counties respectively for the purposes of this Act, as hereinafter set forth ; and such presentment shall appoint the hours of the day between which such Sessions shall be respectively holden ; and such presentment shall appoint the last meeting of such Sessions to be holden at the county court house ; and it shall also be lawful for the grand jury at every such Assizes to direct, by presentment, what number of copies of the schedules of applications to be made at each such Session shall be printed and distributed by the secretary of the grand jury.

VI. That the grand jury for each county of a city or county of a town shall appoint one such presentment Sessions to be holden in the same for the purposes aforesaid ; and all applications for works, the expenses whereof are to be levied off such county of a city or town, shall be made thereat.

And, for the purpose of enabling the grand jury to prepare such list of cess payers as hereinafter mentioned,—

It is Enacted,

VII. That every high constable or other collector of money levied by grand jury presentment shall, on the day when the grand jury shall be first impanelled at each Assizes, deliver to the secretary of the grand jury a return of the names and places of residence of the 100 persons, being males of full age, if so many there be, and if not, then of the whole number of persons resident or in actual occupation of lands and tenements in each county of a town, county of a city, or barony, who, not being in holy orders nor any minister of religion, and not being Justices of the Peace, shall have been charged with and shall have paid for land actually occupied by them the highest sum or sums for grand jury rates or cess for and in respect of any lands in such county of a town, county of a city, or barony, under the last previous applotment, and that in such list he shall set forth the sum so paid by each such cess payer respectively, and shall classify them according to the amount paid by each, and that the secretary shall immediately lay such return before the grand jury.

VIII. That every such grand jury as aforesaid shall at each Assizes fix and determine the number of persons, not being more than twelve nor less than five, proper, with reference to the extent and circumstances of each county of a city, county of a town,

or barony, to be associated with the Justices at the presentment Sessions to be holden therein for the purposes of this Act, and shall from the return aforesaid make out a list of double the number so determined upon of persons, with their additions and abode, who being males of full age resident and in actual occupation of lands or tenements within such county of a city, county of a town, or barony respectively, shall according to the return aforesaid have paid the highest sum or sums for grand jury rates, under the last previous applotment in each such county of a city, county of a town, or barony respectively; and the secretary of the grand jury shall deliver or cause to be delivered to each of the persons included in such list a copy thereof, and shall also deliver a copy thereof to the Justices assembled at each presentment Sessions, to be held under the provisions of this Act: Provided always, that at every Assizes after the passing of this Act, except the first Assizes, the grand jury shall before they shall make out such list strike out of the return aforesaid the names of one half of the persons whose names appeared on the list made at the then preceding Assizes, selecting in the first instance the names of the cess payers who were associated and acted with the Justices at the presenting Sessions.

IX. That at every meeting of such presentment Sessions the majority of the Justices then present shall choose one of their number to preside thereat, and that when only two Justices shall be present the senior of them preside, and that when only one Justice shall be present such Justice shall preside; and such chairman shall have in addition to his vote a casting voice in case of an equality of voices; and immediately after the appointment of such chairman, and before entering upon any other business, the name of every person included in the list of cess payers made out by the grand jury in manner before appointed for each county of a city, county of a town, or barony in which such Sessions shall be held, written upon separate pieces of parchment or card as nearly as may be of equal size, with his respective additions and abode, shall be put into a box, to be, as well as the said pieces of card or parchment, for that purpose provided by the secretary of the grand jury, and the chairman appointed to preside at each such Sessions shall in open court draw out, one after another, such number of the said cards or pieces of parchment as the said grand jury may have fixed and determined to be the proper number of cess payers to be associated with the said Justice or Justices at each such Sessions respectively; and if any of the men whose names shall be so drawn shall not appear, then such and so many more of such cards or pieces shall be drawn as may be necessary until the number of cess payers appointed as aforesaid to be associated with the said Justice or Justices shall be completed, or until the whole of such names shall be drawn; and such number of the said cess payers so first drawn and appearing, or such lesser number of them as shall appear when drawn, shall be associated with the said Justice or Justices, and have and exercise jointly with such Justice or Justices all power and authority in the business of such Sessions: Provided always, that in the case of any county at large the cess payers associated in manner aforesaid with the Justice or Justices at the presentment Sessions holden in the county court house shall, save and excepting the cess payer selected as hereinafter mentioned, have no voice, power, or authority in respect of any applications the expense whereof it may be proposed to levy off the county at large, but only in respect of those applications the expense whereof it may be proposed to levy off the barony or half barony or portion thereof wherein such court house may be situate; and provided also, that in the case of any county at large, such one of the associated cess payers as shall be for that purpose selected by the Justices and associated cess payers at the presentment Sessions holden in the county court house, and such one of the associated cess payers as shall be for that purpose selected by the Justices and associated cess payers at each of the baronial presentment Sessions to be holden in and for each barony or half barony in such county, shall be associated with the Justices at the presentment Sessions holden in the county court house, and have and exercise jointly with such Justices all such power and authority as by this Act conferred upon the Justices and cess payers at such Sessions in respect of so much of the business of such Session as shall relate to the county at large: Provided always, that if none of the cess payers named in the list hereinbefore directed to be made out by the grand jury shall attend any presentment Sessions to be held under this Act it shall be lawful for such Justice or Justices alone to do all matters and things authorized by this Act to be done thereat by the Justices and cess payers associated in the business thereof.

X. That every Justice shall previously to acting at any presentment Sessions make and subscribe in open court the declaration marked (A.) in the Schedule (Z.) to this Act annexed; and that every cess payer associated with such Justice or Justices in manner aforesaid shall previously to acting at any such Sessions make and subscribe in open court the declaration marked (B.) in the Schedule (Z.) to this Act annexed; which said declarations any one of such Justices or the secretary of the grand jury is hereby authorized and required to administer; and the chairman at each such Session shall and he is hereby required to make out and deliver to the secretary of the grand jury of the same county a list of the names of all the Justices and cess payers who shall have made and subscribed such declarations respectively at the Sessions where he had presided; and every such secretary shall from time to time, without unreasonable delay, deliver the said list and all the declarations so made and subscribed to the acting clerk of the peace, to be by him preserved among the records of the same county.

XI. That all notices required by this Act shall be promulgated by advertisements affixed on or immediately adjacent to the doors of every police station or barrack, and at the places (if any) appointed by the grand jury for posting notices within each parish, and a copy thereof shall be delivered to the clerk of the petty sessions of the district off which it is proposed that the larger portion of the expense of such work is to be raised, and to the county surveyor and secretary of the grand jury; and such notices shall be affixed and delivered ten days previous to the first day appointed for holding the presentment Sessions at which the application for the work is to be made: Provided always, that when any application shall be made by any county surveyor for any public work in the manner hereinafter mentioned it shall not be necessary for such county surveyor to post any notice of such application.

XII. That all applications for works, the expense whereof it may be by such applications proposed to levy off the county at large or off the barony in which the county court house may be situate, shall be made at the presentment sessions to be holden thereat, and all applications for works the expense whereof it may be proposed as aforesaid to levy off any other barony shall be made at such presentment Sessions as shall be holden in and for such barony: Provided always, that all applications for the works hereinafter mentioned shall, anything hereinbefore contained to the contrary notwithstanding, be made at the presentment Sessions holden for the barony in which the works included in such applications may be locally situate; (that is to say,) all applications for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereof with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet, built of stone or

bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or in erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes lying on the side of any public road, or for maintaining any dispensary.

XIII. That the applications for any new works which it is proposed to charge upon two or more baronies of any county, but not upon the county at large, shall and may be made at the presentment Sessions holden for the barony off which it is proposed that the larger portion of the expense of such work is to be raised, without making the same at the presentment Sessions for each of such baronies.

XIV. That every application to be made at presentment Sessions shall be lodged with some high constable of the county in which such application is to be made fifteen days, or with the secretary of the grand jury ten days, at least before the day appointed for holding of the first presentment Sessions in such county after any assizes; and every high constable with whom any such applications shall be lodged shall transmit such applications to the secretary of the grand jury ten days before the day appointed for holding such first sessions; and such secretary shall keep an office open, for the purpose of receiving such applications, during ten days immediately preceding the last day upon which such applications are required to be lodged with the secretary, and the said applications shall be open to public inspection without fee or reward; and such secretary shall, on the receipt of each application, indorse or cause to be indorsed thereupon the time when the same is lodged, and number and arrange all such applications as the works therein comprised may be proposed to be defrayed by the county at large or by any barony thereof, and shall make an abstract thereof and an index thereto referring to the numbers which he shall mark on each application; and such secretary shall produce and deliver all the applications which shall have been lodged with him or delivered at his office as aforesaid at the sessions proper as hereinbefore provided for the consideration of the same, together with the abstract thereof and the index thereto.

XV. That the county surveyor shall examine all the applications so lodged with the secretary of the grand jury as aforesaid; and in case no application shall have been made for the necessary surface repairs of any public road or footpath, or the keeping open of any drain adjoining any public road, or any other public work which to the said county surveyor shall appear necessary, it shall be lawful and he is hereby required to make application for the same in the manner hereinafter appointed at the next presentment Sessions to be holden for the county or barony by which the expense of such work ought to be defrayed, and it shall not be necessary for the said surveyor to lodge any application made by him with the secretary of the grand jury, but such application being delivered to the chairman at such sessions shall be dealt with thereat in all respects in the same manner as the other applications which shall have been lodged with the secretary of the grand jury.

XVI. That every application to presentment Sessions for any presentment other than for a public work shall be made by or on behalf of the person or persons requiring such presentment, and every application to any such Sessions for any public work shall be made by two persons paying grand jury cess, or by the county surveyor; and every application to presentment Sessions, whether for a public work or any other purpose whatsoever, shall set out the title of the Act authorizing such presentment, with the year of the King's reign, chapter, and section, as printed by His Majesty's printer, and shall specify the probable expense of the proposed work, and whether the money proposed to be raised thereunder is to be levied off the county at large, or some or what barony or other denomination of land thereof, and shall be made in some one of the forms marked (A.), (B.), (C.), (D.), and so forth, in the Schedule (X.) to this Act annexed, when any of such forms shall be found fitting and suitable; and every such application shall be signed by the person or persons by whom the same shall respectively be made with his or their own proper hands; and it shall not be lawful, save as hereinafter provided, for the secretary of the grand jury to receive any application which shall not have been made in manner and form herein appointed.

XVII. That at each presentment Sessions to be holden as hereinbefore provided the Justices and cess payers associated in the business of such sessions shall take into consideration all such applications as may be laid before them in manner aforesaid, and examine into the posting or serving of the notices of all such applications, when a notice shall be necessary, and into the merits of such applications, and the conformity thereof with the provisions of this Act; and the said Justices and cess payers shall after such examination decide by majority of voices upon every such application, and whether the same ought to be adopted or rejected, and whether wholly or in part, or conditionally in the event of the expense thereof not exceeding a certain specified sum, and what modification thereof, if any, may be proper; and if such Justices and cess payers shall approve of any proposed work either wholly or in part, or conditionally, or of any modification thereof, they shall, save in the case of applications hereinafter otherwise provided for, direct the county surveyor to prepare a proper form of tender for the execution of the same, together with such specifications, maps, plans, sections, or elevations as may be necessary, expressing the nature and extent of such works, and, if the Sessions shall so direct, the quantity per perch and the description of the materials proper to be employed in performing and executing the same, and the term within which such work ought to be completed, and such other particulars as the said Justices and cess payers shall think fit; and such chairman shall indorse all applications accordingly which shall be adopted and approved, and sign his name thereto, and deliver all such applications, so indorsed, to the secretary of the grand jury; and such county surveyor shall deliver such form of tender, specifications, maps, plans, sections, or elevations in respect of the work to which each application shall relate, as soon thereafter as the same can be conveniently prepared, to the secretary of the grand jury; and the said Justices and cess payers shall appoint the manner in which notice for the receipt of tenders and proposals for the execution of such works shall be given, and the period during which they shall be received, and shall adjourn such sessions until some day previous to the next assizes, to be then holden for the opening of such sealed tenders and proposals, such day not being later than thirty days from the day of such adjournment.

XVIII. That in case the Magistrates and cess payers at two successive presenting Sessions shall refuse to approve of any applications made for any public work, it shall be lawful for any of the persons who made application at such Sessions for such work to present a memorial to the Judges of Assize at the assizes holden for the county in which such Sessions may have been holden, stating such application and the disapproval thereof at the presenting Sessions, and praying that the Judges may direct the grand jury to make a presentment for such work; and such memorial shall be lodged with the secretary of the grand jury

at least one month before the first day of such assizes, and a copy thereof shall be served on each of the chairmen at such presenting Sessions at least one month before the first day of such Assizes, and the person presenting such memorial shall also cause to be inserted in some newspaper published or circulated in the county notice of his intention to apply at the assizes for such order, and such notice shall be published at least three times before the first day of such assizes; and upon proof that such memorial and notices were served and published it shall be lawful for the Judges of Assize, or any of them, to cause a jury to be impanelled of persons returned to serve on juries at said assizes, to try and inquire whether such work is a proper one to be executed, and if so to ascertain and state the expense thereof; and if the jury shall find that such work is a proper work to be executed it shall be lawful for the Judge, if he shall think fit, to direct the grand jury to consider such presentment; and it shall be lawful for the grand jury at such assizes to present that such work shall be done either for the sum stated by the jury to be sufficient for the execution thereof, or such lesser sum as they shall think proper, or to refuse to make such presentment: Provided always, however, that no such memorial shall be proceeded upon unless the memorialist shall, at the time of lodging such memorial with the secretary, deposit with him the sum of £20l., as a security for such costs and expenses as the Judge shall direct to be paid thereout to any person or persons who may appear to oppose such application, or any witness summoned to attend on the hearing of the application.

XXIX. That when the county surveyor considers it probable that the expense of any work will exceed the sum of 100l. it shall be lawful for the Justices and cess payers at the presentment Sessions, if they so think fit, to order a notice for the receipt of such tenders to be inserted in some newspaper circulated in the district, and to direct that the opening of the tenders for such work shall not take place at the adjourned sessions, but that such tenders shall be opened by the grand jury at the commencement of the following assizes, and such grand jury shall open such tenders accordingly, and proceed in all matters relating thereto in the same manner as the Justices and cess payers at the adjourned sessions are hereinafter directed to proceed in respect of tenders and contracts, and shall afterwards, in due order, take the application for such work into their consideration, in the same manner as if the tenders had been opened at the adjourned sessions, anything contained herein to the contrary notwithstanding.

And in order to lessen the expense of keeping public roads in repair, and to obviate the necessity of making frequent application to presentment Sessions therefor,—

It is Enacted,

XX. That whenever any application shall be made in the manner hereinbefore provided for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of any bridges upon any such road, the Justices and cess payers associated in the business of such sessions shall consider whether it may not be proper to contract for keeping such road or footpath in repair, and if they shall be of that opinion they shall fix and determine the period, being not more than seven years, for which it is expedient that a contract should be made for that purpose, and the county surveyor shall insert such period in his specification and form of tender for such works.

XXI. That in case any person who shall have signed any application in pursuance of this Act shall die, or be prevented by sickness or any unavoidable necessity from appearing at such sessions, it shall be lawful for the Justice or Justices and cess payers thereto to examine any other persons or persons who shall have knowledge of the matter, and to decide upon such application; anything herein contained to the contrary notwithstanding.

XXII. That the secretary of the grand jury shall, upon being furnished by the county surveyor with the specification or form of tender for the execution of any such work as aforesaid, and the maps, plans, sections, and elevations belonging thereto, notify, by public advertisement or otherwise in such manner as the Justices and cess payers at such presentment Sessions shall have directed, his readiness to receive sealed tenders and proposals for the execution of such work during such period as shall have been appointed by the same authority for the reception of the same, and the time to which such Sessions has adjourned for the opening of such tenders and proposals, and that forms thereof may be obtained at his office; and such secretary shall accordingly prepare a sufficient number of forms of such tenders and proposals, and furnish to any person who shall demand the same a copy thereof, receiving therefor the reasonable cost of preparing the same, not exceeding the sum of 6d.; and each of such sealed tenders and proposals shall contain a statement of the lowest sum for which the party making such proposal is willing to contract for the performance of the work or works specified and described in such notification, and shall be subscribed with the name, description, and residence of the party so desirous to enter into such contract, and also the names, descriptions, and residences of not less than two sufficient persons willing to be bound, jointly and severally, with him for the due and faithful performance of the said contract, within the time and in the manner thereby prescribed, in a penal sum double the amount of the said sum mentioned in such tenders and proposals, if the said sum shall not exceed 1000l., but if such sum shall exceed 1000l., then in a penal sum exceeding the sum mentioned in such tenders and proposals by 1000l. in addition thereto; and all maps, plans, sections, and specifications relating to any such work prepared by the county surveyor shall be open to public inspection in the office of such secretary without fee or reward.

XXIII. That at the meeting of each such adjourned presentment Sessions as aforesaid the secretary of the grand jury shall in open court produce, duly numbered and arranged and with the seals unbroken, all the tenders and proposals which may have been delivered to him, and shall open consecutively all those relating to the same public work, and so soon as the lowest proposal made for the performance of each such work shall be ascertained the party making such proposal and his sureties shall be called; and if the said party and his sureties shall appear, and shall satisfy the Justices and cess payers at such Sessions upon oath or otherwise, of the sufficiency and ability of each and every of them to answer and make good the penalty hereinbefore specified for the non-performance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose and shall thereupon enter into security for the due performance of such contract, conditioned in such penalty as aforesaid, such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, if the same shall be presented by the grand jury; but if the party making such proposal and his sureties shall not appear when called, or shall fail to satisfy the Justices and cess payers at such sessions in any of the penalties

lars aforesaid or shall decline to enter into such security as aforesaid, then and in such case the proposal of the party making default as aforesaid shall be null and void to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on until the said security shall be entered into and the contract duly completed; Provided always, that if no proposal shall be made in respect of any work within the time limited for receiving the same, the application for such work shall be void and of no effect whatsoever; and provided further, that if the grand jury of the county at and for the assizes then next holden shall not make any presentment on the application in respect of which any contract shall have been made according to the provisions hereinafter mentioned, then and in such case such contract shall be null and void to all intents and purposes, anything herein contained to the contrary notwithstanding.

XXIV. That such security so to be entered into by contractors under this Act and their sureties shall be a recognizance to His Majesty, his heirs and successors, and of like force, validity, and effect as other recognizances made to the King's Majesty; and at such adjourned presentment Sessions any Justices present or the chairman is hereby authorized to take such recognizance, and the secretary of the grand jury shall prepare the same, and come provided therewith, so as to prevent delay; and the expense of preparing the same, not exceeding 1s., shall be defrayed by the party or parties entering thereinto; and such recognizance shall be preserved in custody of such secretary until the condition of such recognizance shall have been fulfilled, and shall then be delivered up to the connusee or connuses therein named, or to any person by him or them duly authorized, to be cancelled.

XXV. That so soon as may be possible after the presentment Sessions shall have been holden at all the places and times appointed therefor in each county, the secretary of the grand jury shall prepare and make schedules of the contents of all applications (save and except the applications to be certified as hereinafter provided), approved of wholly or in part, and which may have been delivered to him for such purpose by the chairman at each sessions, including in one schedule all such applications for works proposed to be charged and raised on the county at large, county of a city, or county of a town, and in other separate schedules (*videlicet*, one for each barony,) all such applications for works proposed to be levied upon each barony, arranging all such applications in alphabetical order, and noting on the face of each schedule the particulars of the decision of the presentment Sessions on each application; and such secretary shall forthwith cause copies of such schedules to be printed and distributed in such manner as shall have been authorized and directed by grand jury presentment at the assizes immediately preceding; and the said secretary shall deliver a copy of such schedules to each high sheriff of the county for the time being, and to each county surveyor, and shall, on the day when the grand jury shall be next impanelled, as hereinafter directed, deliver one copy of the said printed schedules, together with the several applications, and annexed thereto any specifications, maps, plans, sections, or elevations of the works to which such application shall relate, which shall have been prepared by the county surveyor, and any contract which shall have been made for the performance of such works, to the foreman of such grand jury, and shall also deliver another copy of the said schedules to the Judge of Assize upon his arrival; and the said secretary shall keep another copy of the said schedule in his office, for the inspection of the public, during three complete days at least immediately before the day when such grand jury shall be first impanelled as hereinafter provided.

XXVI. That so soon as the secretary of the grand jury of each county shall have made such schedules, and totted up the amount of the sums required by the several applications, with reference to the contracts relating thereto, to be raised at such assizes on the county at large, the treasurer of such county shall apportion the same according to the usual mode of assessment on the respective baronies or half baronies; which apportionment together with a copy of the presentments made at the preceding assizes, he shall return to the foreman of the grand jury at the time when they shall be first impanelled as hereinafter provided.

XXVII. That if any such application made at presentment Sessions as aforesaid shall be for making any new road, or building any new bridge, or erecting, enlarging, repairing, rebuilding, or finishing any house or other building, the probable expense whereof shall exceed the sum of 50*l*., and if the Justices and cess payers at such sessions as aforesaid shall approve of such application, either wholly or in part, or of any modification thereof, they shall direct the county surveyor to prepare such specifications, maps, plans, sections, or elevations as may be necessary, expressing the nature and extent of such works, and the materials proper to be employed in performing and executing the same; and the chairman of such sessions shall indorse such application accordingly, and sign his name thereto, and deliver such application so indorsed to the secretary of the grand jury; and such secretary shall lay each and every such application before the grand jury to be impanelled at the assizes held next after such application shall have been approved at such sessions, to be certified by the foreman thereof, who shall certify the same accordingly; but it shall not be lawful for the grand jury at such first assizes held after the presentment Sessions whereat such applications hereinbefore described shall have been approved to make any presentment thereupon.

XXVIII. That at the first meeting of the presentment Sessions to be holden next after the assizes at which such application for any of the purposes last mentioned shall have been so certified as aforesaid for the same barony or for the county at large at which such application shall have been made, the county surveyor shall lay the specifications, maps, plans, sections, or elevations prepared as aforesaid in respect of the same before the Justices and cess payers at such sessions for their consideration, who shall examine such specifications, maps, plans, sections, or elevations, and such other specifications, maps, plans, sections, or elevations as may be submitted to them, and shall decide by a majority of voices whether the same ought to be adopted or rejected or what modification of such specifications, maps, plans, sections or elevations may be proper in respect of each such application, and shall, if need be, direct the county surveyor to alter or modify the same accordingly, and to prepare a proper form of tender for the execution of such works, expressing the nature and extent of such works, and the materials proper to be employed in performing and executing the same and the term within which such work shall be completed, and such other particulars as the said Justices and cess payers shall think fit to prescribe, and shall deliver the specifications, maps, plans, sections, or elevations which shall be so approved to the secretary of the grand jury, and shall appoint the manner in which notice for the receipt of sealed tenders and proposals for the execution of such work shall be given, and the period during which they shall be received; and such sealed tenders and proposals shall be opened at the first adjournment of such sessions to be made for opening sealed tenders and proposals; and thereupon such applications, and such tenders and proposals relating thereto, shall be included in the schedule of applications to be prepared and laid before the grand jury at the then next succeeding assizes, and shall be subject to such and the like regulations in all respects as other applications and other tenders and proposals are subject to under the provisions of this Act.

XXIX. That every sheriff, immediately on receiving the precept appointing the day for opening the commission at the next assizes in his bailiwick, shall inspect the schedules to be delivered to him as aforesaid, and confer thereon with the county surveyor or surveyors, and thereupon, having regard to the quantity of business which it shall appear likely that the grand jury may be called upon to transact, shall fix and appoint, for impannelling the grand jury under the provisions of this Act hereinafter set forth, such day previous to the day for opening the commission of assize as in his discretion may seem fit, such previous day not being more than five clear days and not less than one clear day before the day appointed for opening the said commission; and such sheriff is hereby authorized and required, in manner heretofore practised according to law for summoning persons to serve on grand juries in Ireland, to summon and return a sufficient number of persons, qualified according to law to serve as grand juries in Ireland, to attend at the usual place of holding assizes upon the day by such sheriff so fixed; and the persons so to be summoned are hereby required to come and appear agreeably to the exigency of said summons, under like penalties and subject to like forfeiture of issues as persons heretofore summoned to appear and serve on grand juries at any assizes throughout Ireland, and to serve, under and subject to the like penalties and liabilities, until discharged from such attendance in due course of law; and on the day appointed for such attendance such sheriff shall attend with his sub-sheriff and assistants, and shall, or in the necessary absence of the sheriff the under-sheriff shall, proceed to impanel the said grand jury in all respects, so far as may be possible, and with like solemnities, as heretofore practised according to the law for the impannelling of grand juries at the several assizes, in Ireland; and the clerk of the crown shall attend at the time and place aforesaid, and shall in such manner and form as hath heretofore been used in the swearing of grand jurors administer to each of the grand jurors to be impanelled as aforesaid the oath marked (C.) in the Schedule (Z.) to this Act annexed.

XXX. That it shall and may be lawful for any grand juror impanelled in Ireland to disclose any matter or thing relative to the making or refusing any presentment for or concerning public works or monies, or the expenditure of any money raised thereby; and that the oath taken by grand jurors in Ireland, so far as it regards any obligation of secrecy, shall not be construed or held to extend or relate to any of the functions of grand jurors in or concerning such presentments of public works or monies, or any fiscal concerns whatsoever, nor any office or function of a grand juror other than the functions of such grand juror in matters of a criminal nature.

XXXI. That from and after the commencement of this Act the sheriff of each county shall in framing the panel of persons summoned to serve on the grand jury of such county at each assize to observe the rule hereinafter following; (that is to say,) he shall place first on such panel for each barony or half barony in such county (if there shall be ten or more baronies or half baronies therein) the name of some person having in such barony or half barony freehold lands of the yearly value of 50*l.* and upwards, or leasehold lands of the yearly value of 100*l.* over and above the amount of rent payable out of or for such leasehold lands: so that as far as can be one fit and competent person having lands of the value aforesaid, and resident in each barony, if the same can be found therein respectively, shall be placed upon such panel; and having in such manner selected such one fit and proper person for each barony and half barony, or so many as he can so select, the sheriff shall complete the said panel in such manner as now by law authorized and directed; and the persons taken from the panel so framed shall be and constitute the grand jury or inquest of such county, anything in any writ, precept, or venire facias expressed or directed, or any law, statute, usage, or custom, to the contrary notwithstanding, and as if such grand jury were altogether composed of freeholders: Provided always, however, that any presentment or indictment formed or made by any grand jury in Ireland shall not be liable to be traversed, quashed, or in any manner impeached by reason of the grand jury not being selected as aforesaid, but any sheriff who shall wilfully omit or neglect to follow the rules hereby made for the selection of the grand jury shall be liable, on a complaint made to the Judge of Assize, to be fined for breach of the provisions of this Act such sum as such Judge shall think proper, in addition to any other penalty or punishment to which he may by law be liable.

XXXII. That it shall not be lawful for any stipendiary Magistrate, or the treasurer of the county, or the secretary of the grand jury, surveyor or high constable or collector of any barony or half barony, or clerk of the crown, or clerk of the peace, or coroner of any county, to serve upon the grand jury at any assizes, or to act as Justice or associated cess payer at any presentment sessions to be holden under the provisions of this Act for the county wherein he shall hold such office.

XXXIII. That the said grand jury so impanelled as aforesaid shall be and be deemed to all intents and purposes to be, and shall constitute, the grand inquest of the same county at and for the assizes then to be holden, and shall, save as hereinafter otherwise provided, perform and discharge, and be bound to perform and discharge, all the duties, offices, and functions which any such grand jury might have performed and discharged or would have been bound to perform and discharge if the same were impanelled before the Judge of Assize in manner heretofore practised according to law, and subject to the like forfeitures, penalties, and liabilities, and shall possess and exercise all and every the powers, privileges, and authorities which grand juries impanelled before the Judge of Assize in manner hitherto accustomed have possessed and exercised or ought to possess or exercise under and by virtue of the laws in force in Ireland, save as may be by this Act otherwise provided; and such grand jury shall not depart, save in case of adjournment as hereinafter mentioned, until discharged by the Judge of Assize; and the Assizes of each county shall, for the purposes of this Act, but only as respects matters connected with presentments for raising or accounting for or paying money or relating to public works, be deemed to commence from the impannelling of such grand jury as aforesaid.

XXXIV. That the grand jury impanelled as aforesaid shall not be competent to receive any bill of indictment, or to present any nuisance or offence, or to enter upon any criminal business whatsoever, or to perform any functions appertaining to grand jurors, other than those relating to presentments for raising money or accounting therefor, or public works, or the general fiscal concerns of the county, until the Judge of Assize shall open the commission; and the whole of such fiscal business shall be concluded by such grand jury at or before the opening of such commission; and all the presentments for raising money, or anyhow respecting public works, shall be delivered to the clerk of the crown at or before such time, save as hereinafter provided; and after opening such commission with the accustomed formalities the Judge of Assize shall at the usual time direct the grand jury to attend in court, and cause to be administered, in manner and form heretofore practised according to law, to each of the persons composing the same, such oath as has been or ought to have been heretofore administered to such persons.

by such Judge or Justices; and the said grand jury shall then and thereupon be and become to all intents and purposes fully competent to the exercise of all functions of grand jurors whatsoever, save the making any presentment for raising money, or respecting public works, or such other business of a fiscal nature as has been hereinbefore directed to be concluded before opening the commission, or the first day of such term as aforesaid.

xxxv. That it shall and may be lawful for such Judge, upon a special application to be to him or them for that purpose made by the grand jury or otherwise, and upon cause shewn for granting the same, to order and direct that the grand jury shall and may transact, after and notwithstanding the commission shall have been opened, any such matter relating to presentments for raising or accounting for money or public works, or the fiscal concerns of the county, as may be stated in such application; and by force of such order such grand jury shall be and become competent to transact the same, anything hereinbefore contained to the contrary notwithstanding; and provided further, that it shall and may be lawful for any grand jury, at each and every assizes, to present at any time before they are discharged such sum or sums of money as shall be ordered by the Court to be paid to witnesses for their expenses as by this Act hereinafter directed.

xxxvi. That each grand jury shall, for the whole period during which they shall sit, be called over each morning at sitting by the foreman of such jury, and at all other times when the number of grand jurors present shall be less than by law required for the performance of the functions of a grand jury; and any grand juror who shall make default in his attendance at any of such times shall for every such default incur a penalty of 40s., and such default shall be reported by the foreman to the Judge of Assize; and unless the same shall be excused on the ground of illness, or other good and substantial reason to the satisfaction of such Judge, such fine and penalty shall be by the said Judge confirmed and declared absolute, and recovered and applied in the same manner as fines and penalties imposed on jurors for any defaults or misbehaviour may now by law be recovered and applied; and if the foreman shall fail to call over the jury at the times hereinbefore appointed, or to report the absence of any juror upon such call, he shall incur a penalty of 10*l.* for each such default, to be in like manner recovered and applied; provided that nothing herein contained shall limit or affect the authority of any Judge to enforce the attendance of any grand juror as such Judge may now enforce such attendance.

xxxvii. That the grand jury shall, upon being impanelled and sworn before the sheriff as aforesaid, forthwith proceed to transact in open court all such business relating to presentments for raising money, public works, contracts, and the fiscal concerns of the county as may be appointed for them, and to consider and decide upon all applications which shall be made for presentments as hereinbefore provided, in the order in which the same shall be entered in the Schedules thereof to be prepared as aforesaid, beginning with the applications for works to be defrayed by the county at large, and examining all maps, plans, estimates, and specifications relating to each application; and the said grand jury shall be attended by their secretary, and by the county surveyor or surveyors, and shall hear and receive and direct to be read aloud in open court the several reports and certificates of such surveyor or surveyors, and shall have power and authority, at their discretion, to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any presentment or in anywise relating thereto, or concerning any public work or the execution of the same, if made wholly or in part at the expense of the county or any portion of the county, or any contract of or in respect of any of the matters aforesaid; and the said grand jury shall sit *de die in diem* until all the business which may come before them of the nature hereby directed to be despatched before the opening the commission shall be concluded, or until the day appointed for opening the commission, or the first day of such term, shall arrive; and if the whole of such business shall be concluded before such day, then the said grand jury may adjourn to such day; and every such grand juror who shall not attend pursuant to such adjournment shall be fined by the Judge of Assize for such non-attendance in any sum not exceeding the sum of 50*l.*, at the discretion of the said Judge.

xxxviii. That from and after the commencement of this Act it shall not be lawful for any grand jury, any law, usage, or custom to the contrary notwithstanding, to make a presentment for any public work whatsoever, or for raising any money, for which an application shall not have been made and approved at sessions, either wholly or in part, as hereinbefore provided, save and except such presentments as may be herein specially excepted, and also save and except such presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls, or buildings which have happened so recently as not to admit of the proper application having been made in manner before provided, which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the grand jury upon oath; and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such grand jury shall nevertheless have power and authority to present for such repairs any sum of money in such case necessary, to be paid to the county surveyor, or to be by him expended, or so much thereof as may be necessary, upon such repairs, and accounted for at the next assizes by such surveyor upon oath; and the treasurer of the county shall, out of any monies in his hands available to the general purposes of the county, advance to such surveyor from time to time the monies, not exceeding the sum presented for such repairs, which may be required therefor; and such monies so advanced shall be replaced by the monies raised and levied under the presentment which the grand jury have been hereinbefore authorized to make for such purpose.

xxxix. That the Lord Lieutenant of Ireland shall from time to time appoint a board of three civil or military engineers to act, without salary or emolument, in Dublin, who shall from time to time examine into and certify the qualifications of all persons desirous to act as surveyors or assistant surveyors under this Act; and such Lord Lieutenant shall appoint from time to time, out of the persons so certified, one or more surveyor or surveyors to act, at the salary or salaries hereinafter provided, for each county; and it shall be lawful for the said Lord Lieutenant from time to time, at his pleasure, to remove such surveyors from county to county.

xl. That all surveyors already appointed under the law now in force, or who may hereafter be appointed under this Act, for any county, may be at any time suspended or dismissed at the pleasure of the Lord Lieutenant of Ireland or by the respective grand juries of such counties; and in such case, and on every other vacancy, however occasioned, the said Lord Lieutenant of Ireland shall forthwith appoint a successor from and out of the persons who shall be from time to time certified to be qualified as aforesaid; provided that in case of indisposition, or other unavoidable cause, proved on oath to the satisfaction of the grand jury or any three Justices of the Peace, such surveyor may depute another person, duly certified as hereinbefore mentioned, to act for him, and such deputy shall be removable in like manner as his principal.

XLII. That the salary of each surveyor now appointed or hereafter to be appointed as aforesaid shall not exceed 300*l.* per annum, and such salary shall, except as hereinafter provided, be inclusive of all charges and expenses which each such surveyor shall incur, or to which he shall be liable in performance of the several duties to him prescribed under the provisions of this Act; and each grand jury is hereby authorized and required to fix the amount of such salary for its own proper county, not exceeding the sum hereinbefore mentioned, and at each assizes to present a moiety of the salary or salaries of each surveyor or surveyors for such county for the half year last past, and payment of the same shall be made accordingly: Provided nevertheless, that in case the grand jury at any assizes shall be of opinion that any surveyor has been guilty of neglect of his duty, or other misconduct, such grand jury shall have authority to direct the salary of the surveyor so neglecting his duty or misconducting himself to be withheld, and shall report such neglect or misconduct to the said Lord Lieutenant of Ireland; and if the said surveyor shall be, upon such report, or at any time in any other manner or for any other reason, dismissed from his office, he shall forfeit, at the discretion of the Lord Lieutenant, the whole or any part of the arrears of salary due to him, and the same shall be applicable to the general purposes of the county, in like manner as other monies from time to time levied of such county and arising in the hands of the treasurer.

XLIII. That the surveyor or surveyors to be appointed as aforesaid shall attend at each presentment Sessions to be held for the reception of applications for presentments, and shall afford such professional advice and assistance in the consideration thereof as may be required of him, and shall prepare forms of tenders and proposals, specifications, maps, plans, sections, or elevations of any work approved thereat, and shall himself make such application when necessary as hereinbefore directed, and shall also attend upon the grand jury, and make to them a full and particular report on all applications for presentments lodged with the secretary as aforesaid, and the necessity or utility of the same, and on the correctness of the maps, plans, specifications, and estimates prepared as aforesaid, and how far it may be expedient to alter, vary, or modify the objects stated in such applications; and the said surveyor or surveyors, or one of them, shall also report on all applications on part of contractors, and on the progress and execution of all public works formerly presented, and on the performance of all contracts, and on the state, repairs, progress, and condition of all buildings, roads, bridges, gulleys, walls, or other work; and the said surveyor or surveyors, or one of them, as the grand jury shall direct, shall audit all accounts of such works, and ascertain and certify the correctness thereof, and whether each contractor is entitled to payment, and how far, and whether such contractor has conformed to the provisions of this Act and the laws in force in Ireland, and shall also report the name and description of all persons by him prosecuted for any nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of surveyor, or which may be given to him in charge by the grand jury.

XLIII. That each such surveyor shall keep an office open for his regular attendance on business in such place as the grand jury shall appoint, and which they are hereby required and empowered to appoint; and each such surveyor shall employ one fit and competent person to be a clerk in his said office, who shall give regular attendance in the said office, and for whose conduct such surveyor shall be at all times responsible; and such grand jury is hereby authorized and required to present, over and above the salary payable to such surveyor, a sum not exceeding 50*l.* in each year, to defray the expense of such office, and to pay the salary of such clerk, a moiety whereof the said grand jury is authorized and required to present at each assizes for the half-year last past, and to pay the same to such surveyor accordingly, subject always to the provisions hereinbefore contained with respect to the payment of the salary of the said surveyor; and it shall be lawful for every surveyor to appoint so many persons as the grand jury shall, with reference to the extent of the county and of the duties to be performed, think necessary, to be assistants to such surveyor; and each of such assistants shall be paid such salary, not exceeding 50*l.* per annum, as the grand jury shall direct, which shall be presented by the grand jury by half-yearly instalments at each assizes: Provided always, however, that no person shall be appointed such assistant who shall not be certified by the said board to be a fit and competent person to discharge the duties of such office; and every such assistant shall obey the orders of such surveyor, and be removable in the same manner as the surveyor himself is.

XLIV. That no such surveyor, or his clerk or assistant, shall be eligible or liable to serve or act on any jury, nor to fill any other county office whatsoever in any county, nor take or receive any fee or gratuity whatsoever from any contractor or other person engaged in any public work in any county, nor for any matter or thing in anywise appertaining to the duty of such surveyor, clerk or assistant, nor be or become in any manner directly or indirectly interested in any contract for the performance of any work presented or to be presented by any grand jury, on pain of forfeiting his office, with all arrears of salary then due to him; and every such contract in which such surveyor, clerk or assistant, shall be or become in any manner directly or indirectly interested shall be absolutely void, and the surveyor, clerk or assistant, so interested, shall forfeit 50*l.*, to be recovered, with full costs of suit, by any person who shall sue for the same.

XLV. That it shall be lawful for every grand jury to appoint a proper person, duly qualified according to the laws now in force, to act as their secretary; and every secretary of the grand jury now appointed, or who shall be appointed hereafter under the provisions of this Act, shall continue to act as such until he shall be removed by the grand jury, or until another person duly qualified shall be in like manner appointed; and if any person appointed secretary shall happen to die, or be unable from illness to do the duty, the clerk of the peace or his known deputy is hereby required to act as such until the last day of the ensuing assizes, or (in case of the illness of the secretary) until such secretary shall be able to resume his duty; and for the performing all and singular the duties of such secretary such clerk of the peace or his said deputy shall be entitled to receive a rateable proportion of the salary of such secretary for the time during which he shall have performed such duties: Provided always, however, that it shall not be lawful to appoint or continue joint secretaries, or more than one person as secretary in any county.

XLVI. That it shall not be lawful for the same person to be appointed after the passing of this Act secretary of any grand jury and clerk of the peace, or clerk of the crown, or treasurer of any county, or collector of grand jury cess, or inspector of gaols; and in case the secretary of any grand jury shall at any time refuse or neglect to perform any of the duties imposed upon him by the provisions of this Act, such secretary, being convicted thereof before the Judge of Assizes, shall for such refusal or neglect forfeit any sum not exceeding 50*l.*, at the discretion of such Judge, and no presentment shall be made of any such to him.

XLVII. That it shall not, from and after the commencement of this Act, be lawful for any grand jury, in making a presentment for any public work, to name or appoint therein any person or persons to execute the same, save and except in case of sudden damage or injury under the provision hereinbefore made in that behalf; but all works, save as aforesaid, and save and except in the case of such repairs as may be executed pursuant to the order of two Justices, as hereinafter specially provided for, which shall be presented by any grand jury, shall be executed and performed by contract; and all printing for which any grand jury shall be authorized to make presentment shall also be executed by contract; and every contract, whether for any work, printing, or other purpose whatsoever, shall be made by sealed tenders and proposals, to be delivered, opened, and dealt with, and security to be taken, in manner hereinbefore provided; and no contract shall be entered into save upon and after application made and approved at presentment Sessions; and the functions of every grand jury shall in respect of all applications to be made at any presentment Sessions be limited to the approval or rejection of the same as approved or modified by such Sessions, and to the presentment or annulling thereof accordingly: Provided nevertheless, that no Magistrate of the county or cess payer shall undertake or be interested in any contract under this Act for any work approved of or applied for at any sessions at which he shall act or be capable of acting as a Justice or associated cess payer, nor shall any county officer, or any person in his employment, undertake or be interested in any contract under this Act; and provided further, that nothing herein contained shall extend to restrain or affect any contract made or to be made with any Commissioners acting under authority of Parliament in the loan, advance, or grant of Exchequer bills or money.

XLVIII. That the secretary of each grand jury shall provide and keep a book in which he shall insert an abstract of all contracts which now are or hereafter may be entered into by such grand jury, setting out the names of the several contractors, and the particulars of each contract, and in the case of roads, for the keeping in repair of which contracts may be or shall have been made, setting out the places whence and to which each road contracted for leads, and at what milestones, measuring, or noted place each road or part of a road under the charge of such contractor commences and ends, and the names of the occupiers of the lands where his contract commences and ends, and the number of perches of road included in each contract, and the rate per perch at which each contract has been entered into, and the whole annual sum which each contractor is to be paid, and the period for which each contract is made; and all contracts so entered in such book shall be numbered, and every such book shall have an alphabetical index referring to the number of each contract.

XLIX. That any two Justices of the Peace at petty sessions in any county may, under their hands and seals, order any sum not exceeding 10*l*. to be expended in repairing any bridge, or any sum not exceeding 10*l*. to be expended in repairing any public road, or any pier or quay on the bank of any navigable lake or river, now or hereafter to be built by grand jury presentment, which may be suddenly damaged, provided it shall appear, upon the view of both of them, that the repairs of such bridge or road or such pier or quay cannot be delayed until the next assizes without prejudice to the public, and that the necessity of the same shall be notified to them by the county surveyor; and it shall be lawful for such Justices to appoint a proper person or persons to repair the same; and the grand jury of any such county is hereby empowered to present at the next assizes the sum so expended in repairing any such bridge or road which is liable to be repaired by the county at large to be levied on such county at large, and any sum so expended in repairing any other road to be levied on the barony or on the county of the city or town wherein the same is situate, and any sum so expended in repairing any such pier or quay to be levied on the county at large; and the sum so presented in the said several cases shall be paid to the person or persons so appointed by such Justices to make such repairs upon his or their producing such order under the hands and seals of the said Justices, and also a certificate under the hand of the county surveyor that the sum specified in such order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same Justices of the Peace shall not make or sign more than one order for the expenditure of any sum as aforesaid for the reparation of the like sudden damage between the termination of one assize and the commencement of another.

L. That it shall and may be lawful for any grand jury to present any part of any public road to be widened to any breadth not more than fifty feet in the clear, or to narrow such roads as the surveyor may report to be unnecessarily wide, and to present all such sum or sums of money as shall be necessary for widening and fencing the same, or for gravelling, macadamizing, paving, fencing, repairing, or otherwise improving any part of any public road, or for filling up grips or trenches on the sides of any public road, and making sufficient fences instead thereof, or for filling dikes or holes on the sides of any public road, or for making, widening, or deepening drains on the side of any such road, and carrying off the water therefrom, to be levied off the barony, county of a city, or county of a town where the same shall be situate: Provided always, that when such public road shall be any road upon which His Majesty's mails are or shall be carried in mail carriages, one-half of such sum or sums of money as shall be necessary for any of the purposes aforesaid shall be presented to be levied off the county, and the other half off any barony or baronies in which such road or any part thereof is or shall be situate.

LI. That it shall and may be lawful for the grand jury of any county at any assizes to present any footpath to be made or repaired along the side of any road for which they may have authority to make presentment, and to present such sum or sums of money as may be necessary for making or repairing the same to be levied either off the county or off the barony or baronies in which such footpath shall be locally situate, according as the expense of making or repairing such road shall be presented to be levied off the county or any barony or baronies thereof.

LII. That it shall and may be lawful for the grand jury of any county to present any public road within such county, or any part of such public road, or any footpath upon the side of such road, to be gravelled or repaired with broken stone, or the battlements of any bridge upon such road to be kept in sufficient order and repair, by contract for any space of time not exceeding seven years, and also from time to time to present such sum or sums of money as shall be necessary for the execution of any of the above-mentioned works, and the payment of the person or persons with whom such contract for the execution of the same shall have been made, to be levied or raised off any barony, county of a city, or county of a town in which such road may be locally situate, and when it passes through more than one barony then proportionately on each barony: Provided always, that in the case of any road upon which His Majesty's mails are or shall be carried in mail carriages one-half of the expenses of such repairs shall be levied off the county, and the other half off any barony or baronies in which such road or any part thereof may be locally situate.

And after reciting that certain contracts for keeping roads in repair have been entered into under the provisions of 3 & 4 Will. 4. c. 78, and doubts have been entertained whether such contracts, being made for a term longer than one year, are valid; and that it is expedient to remove such doubts;—

It is Enacted,

LIII. That every contract to keep a road in repair entered into under the said Act for any term still unexpired which did not exceed seven years shall be deemed to be a valid contract for the residue of such term, and every security entered into for the due performance of such contract shall be binding and valid in law as fully as if such contract might have been legally made under the provisions of the said Act.

LIV. That in case it shall appear to the county surveyor at any time during the continuance of any contract now made or hereafter to be made for keeping any road in repair that such road is not in proper repair, he shall require the contractor to put the same in repair, and if such contractor shall neglect to do so within ten days after he shall have been so required, such surveyor shall cause the same to be repaired, and the expense thereof shall be deducted and repaid out of the sums which would be payable to such contractor if the road had been kept in proper repair.

LV. That it shall and may be lawful for the grand jury at any assizes to present any new road to be laid out and made of any width not less than sixteen feet nor more than fifty feet in the clear, and to present all such sum and sums of money as shall be necessary for laying out, or for forming, levelling, and draining, or for gravelling, paving, and making the same, and also for making fences thereto, to be levied on the barony or county of a city or county of a town in which the same shall be situate, and when it passes through more than one barony then proportionately on each barony; unless such new line of road shall be one upon which it is intended that His Majesty's mails shall be carried in mail carriages, in which case it shall and may be lawful for the grand jury to present one half of all such sums of money as shall be necessary for any of the purposes aforesaid to be levied off the county, and the other half off any barony or baronies through which such new road shall pass: Provided always, that no presentment shall be made for laying out any such new road unless together with the application therefor a map of such intended new road has been lodged with the secretary of the grand jury ten days at least before the day for holding the first presentment Sessions after each assizes in such county, and that a notice setting forth that an application is intended to be made for a presentment to lay out such new road (distinguishing the several townlands and baronies through which it is intended to be carried, with the number of perches in length through each townland,) has been personally served upon or left at the house of each occupier of the land through which such new road is intended to be made fifteen days at least before the day of holding such sessions, nor unless it shall appear that no part of a such new road is to be made through any deer park inclosed with a wall built of lime and stone or bricks, five feet high or more, without the consent of the owner thereof, and that no part thereof is to be made through any house entirely built with lime and stone or bricks, or through any office belonging to any person inhabiting a house so built, without the consent of such person.

LVI. That it shall and may be lawful for the grand jury of any county to present such sum or sums of money as may be necessary for lowering any hill or filling up any hollow, or both, on any public road, and for making the road thereon with stones and gravel, or for building, rebuilding, repairing, altering, or enlarging any bridge, pipe, arch, or gullet built of stones or bricks or wood, under or on any such road, or filling or gravelling over any such bridge, arch, pipe, or gullet, or for building or repairing any wall or part of a wall necessary to the support of or to prevent any steep banks of earth from falling upon any such road, or for erecting any fence, railing, or wall for the protection of travellers from dangerous precipices or holes on the side of any public road, to be raised either off the county or off the barony or baronies in which the same may be locally situate.

LVII. That where a river or stream or where any road is the boundary between two counties, so as that one side of such road shall be in one county and the other side in another county, it shall not be lawful for the grand jury of either county to present to be raised on either county, or upon any barony of either county, more than one half of the sum required for building, rebuilding, repairing, enlarging, or altering any bridge, pipe, arch, or gullet over such stream or river, or for repairing, making, or widening any such road; and no application for payment on account of any such presentment shall be allowed unless an equal sum shall have been presented to be raised for the said work on the adjoining county or some barony thereof.

LVIII. That it shall and may be lawful for any person or persons to survey and measure any line intended for a new road for which a presentment is to be applied for, and for that purpose to enter in and upon any lands or premises through which such intended line may pass, provided that such person or persons shall be thereunto authorized by a certificate in writing under the hand of the county surveyor, stating that such survey, and entry to make the same, is proper, and that such certificate shall be allowed by two Justices of the Peace for the county wherein such lands or premises may be situate, such allowance being signified under their hands by indorsement upon such certificate.

LIX. That it shall and may be lawful for any two Justices of the Peace, upon the application of any county surveyor, to forbid any person or persons from riding or driving any kind of beast or carriage on any new road for such space of time as shall to them appear necessary, not exceeding six months, after such new road shall have been made; and any person who shall wilfully disobey such order, the same being duly notified by a notice affixed to a board or boards erected upon such road, shall be liable to be fined any sum not exceeding 20s. for each offence, to be imposed by any Justice of the Peace, on his own view, or on the evidence of any one competent witness, and levied off the goods and chattels of such offender by warrant under the hand and seal of such Justice.

LX. That it shall be lawful for the grand jury of any county, after application made and approved of at the preceding presentment Sessions, to present any old road in such county which may appear to them to be useless to be stopped up, to every which presentment it shall be lawful for any person to enter a traverse at the then or the next assizes; and if such traverse shall not be tried within a year after such presentment shall be made the presentment shall stand good and valid to all intents and purposes.

And after reciting that it is expedient that provision should be made for the more speedy and effectual repair of roads in Ireland upon which His Majesty's mails are carried;—

It is Enacted,

LXI. That it shall be lawful for the Commissioners acting under and in execution of an Act, 1 & 2 Will. 4, intituled, 'An Act for the Extension and Promotion of Public Works in Ireland,' upon the application of His Majesty's Postmaster General for the time being, setting forth and describing the line of any such road or the portion of any such road which may stand in need of repair, by and with the consent of the Lord Lieutenant or other Chief Governor or Governors of Ireland, to cause such road or such portion thereof as shall be described in such application, and any or every bridge, arch, or pipe, gullet or wall thereon, to be put forthwith into good and sufficient repair accordingly, under the superintendence of the county surveyor in every county except the county of Dublin and county of the city of Dublin, and in each of those counties under the superintendence of a surveyor appointed by them; and that upon the application of the said Commissioners, setting forth what sum will be requisite and necessary from time to time for the purposes aforesaid, it shall and may be lawful for the Lord Lieutenant of Ireland to direct by his warrant that the sum or sums of money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said Commissioners in manner aforesaid.

LXII. That whenever any such road or bridge, or any portion thereof, not being a turnpike road or bridge, shall be so put in good and sufficient repair, under the direction of the said Commissioners, the secretary to the said Commissioners shall deliver or cause to be delivered to the secretary of the grand jury of any and every county within which any such road or bridge, or any portion thereof, shall be situate respectively, a certificate of the amount of money which shall have been so expended upon the repair of any such road or bridge or any portion thereof, and the other expenses aforesaid, within any and every such county respectively, together with an account of the items of such expenditure, certified by the said county surveyor or other person employed, and every such certificate and account shall at the next or some succeeding assizes be laid before the grand jury of any and every such county respectively, and thereupon the grand jury of any and every such county respectively shall make presentment of the amount of such expenses as stated in such certificate, to be raised off such county at large, barony or half barony, previously chargeable with the maintenance of such road or bridge; and when and so soon as the sum so to be presented as aforesaid shall be raised and received by the treasurer of any and every such county respectively, he shall pay over the same to such bank or person as the Lords Commissioners of His Majesty's Treasury, or any three or more of them, shall direct, or to such person or persons and in such manner as may be directed by the Vice Treasurer of Ireland.

LXIII. Provided always, That whenever any bridge which shall be repaired by the said Commissioners as aforesaid shall be situate partly in one county and partly in another, the expense of repairing such bridge shall be borne and defrayed equally by such counties, and the certificates and presentments by this Act required shall be framed and made accordingly.

LXIV. That if at any time hereafter it shall appear from a memorial signed by twenty cess payers in any barony that the grand jury of any county has twice refused to present for the making or repairing of any road in such barony, and that by reason thereof the inhabitants of such barony are aggrieved, it shall be lawful for the Lord Lieutenant to refer such memorial to the Commissioners of Public Works to examine into the truth of the allegations therein contained, and to report thereon, and particularly to report whether it is necessary for the public convenience that such road should be repaired or made, and what would be the expense thereof; and thereupon it shall be lawful for the Lord Lieutenant, if he shall think fit, to refer such report to the grand jury of the county at the next assizes; and such grand jury may thereupon, if they shall think fit, present that such road shall be made or repaired in such manner as shall be recommended by the report of the said Commissioners, and that the sum necessary for that purpose shall be raised off the county or any barony or baronies thereof in such proportions as they may think proper; and in case they shall refuse or neglect to make any such presentment, it shall be lawful for the Lord Lieutenant to direct the said Commissioners to cause such road to be made or repaired, and the expense thereof shall be certified by them to the Lord Lieutenant, who shall cause such certificate to be laid before the grand jury of the county, and such grand jury shall and they are hereby required to present the amount thereby certified to be levied off the county at large in which such road may be situated, and to be repaid to such Commissioners by such instalments as the Lord Lieutenant shall think fit to direct.

LXV. That in case any road so repaired, or any part thereof, shall be a turnpike road, the sum certified to have been expended on the repair thereof as aforesaid shall become and be a charge on the tolls payable on such road, in preference to and prior to any other charge thereon, and shall be repaid to the said Commissioners or any person appointed by them out of such tolls; and every collector of such tolls shall, until the sum so advanced shall be repaid, pay to the said Commissioners all sums collected by or paid to him for such tolls; and it shall and may be lawful for the said Commissioners to apply in a summary way, by petition, to any court of equity in Ireland to appoint a receiver of such tolls, and such Court shall accordingly appoint such receiver, on its appearing, by such certificate or otherwise, that any part of the sum advanced for the repair of such road is due, and shall continue such receiver until by receipt of such tolls or otherwise the sum so due and the full costs of such proceedings shall be repaid, after allowing for the necessary expenditure by the said Commissioners in the meantime in keeping such road in repair.

LXVI. That it shall and may be lawful for the grand jury of any county, on the publication of the Ordnance Trigonometrical Survey, to present, for the maps thereof to be mounted, in baronies or otherwise, as may by them be deemed best, a sum not exceeding the rate of 10*l.* for every 35,000 acres, to be levied off the county at large; and it shall and may be lawful for the grand jury of any county at the end of every ten years from the date of the publication of the Ordnance Survey of such county to present a sum not exceeding the rate of 20*l.* for every 50,000 acres, to be levied off the county at large, for obtaining a correct survey and map containing all the alterations made in the roads of such county since the then last preceding survey.

LXVII. That it shall and may be lawful for the grand jury of any county to present, to be levied off such county, for the erection of any pier or quay, or for the repairing or enlarging of any existing pier or quay, on the banks of any navigable river or lake or on the sea coast, or for the making or repairing of any road or approach to any such pier or quay, or for deepening or embanking any such river or lake, in such county, any sum or sums of money not exceeding in the whole the sum of 300*l.*, nor exceeding two-thirds of the whole sum at which said work has been contracted for: Provided always, that no sum or

sums of money shall be presented for the erection of any pier or quay, or the making any roads or approaches thereto, until the person or persons making application therefor at the county presentment Sessions shall have paid into the hands of the county treasurer a sum equal to the one-third part of the whole sum at which said work has been contracted for, and such payment shall have been certified to the grand jury by the said treasurer's receipt, nor unless the consent in writing, under the hand and seal of the owner or owners in fee, or of the person or persons having a lease of lives renewable for ever, or a term of years of not less than ninety-nine to come and unexpired at the time of making such presentment, or of in the lands on which the said work is to be constructed, shall have been lodged in the office of the said treasurer six clear days before the assizes at which the application for such presentment is to be considered.

LXVIII. That every pier or quay which has been or may hereafter be built or enlarged by presentment of any grand jury upon any navigable lake or river or on the sea coast, pursuant to the provisions of this or any other Act of Parliament, shall be deemed and become public property.

LXIX. That it shall and may be lawful for the grand jury of any county to present such sum or sums of money, to be raised off such county, as shall be necessary for building, rebuilding, enlarging, repairing, altering, or fitting up any court house or sessions house therein; and whenever any presentment shall be made for any of such purposes, or any other public works, and the sum necessary to be raised for the same shall be greater than it may be proper to levy off such county at one time, then and in every such case it shall be lawful for such grand jury to present in the first instance the whole sum required for such purpose, and to direct in and by such presentment that the same shall be raised on such county by such half-yearly sums or instalments, and in such proportions, as to such grand jury may seem expedient, and the same shall be so raised accordingly: Provided always, that it shall be lawful for any subsequent grand jury to present that any of the said instalments shall be increased to any sum that shall be found necessary or proper.

LXX. That in case at any time hereafter the Lord Lieutenant shall direct that a Quarter Sessions of the Peace or any adjournment thereof shall be holden for the despatch of civil or criminal business in any town or place in which there may not be a sessions house, the surveyor of the county shall, on being required by the Lord Lieutenant so to do, prepare such specifications, maps, plans, sections, and elevations as may be necessary for the erection of a sessions house therein, expressing the nature and probable expense of the works and the materials proper to be employed, and the same shall be delivered to the secretary of the grand jury, who shall lay the same, together with a copy of the warrant of the Lord Lieutenant, before the grand jury at the assizes next after the time at which he shall receive the same, and the grand jury shall examine such specifications, maps, plans, sections, and elevations, and such others as may be laid before them, and either adopt the same or make such alterations therein as they may think proper, or reject the same, and shall present that a proper and sufficient sessions house shall be provided or built in such town or place within the period of one year from such assizes, and that a sum not exceeding 1,000*l.* shall be levied off the county for that purpose at one time or by instalments to be completed within the period of five years, and the surveyor shall thereupon prepare a proper form of tender for the execution of such work, and shall deliver the same to the secretary of the grand jury, who shall lay the same, together with the presentment, and the specifications, maps, plans, sections, and elevations, as approved of by the grand jury, before the next presentment Sessions holden for the county at large, who shall direct within what period before the day to which such Sessions may be adjourned tenders for the execution of the works shall be received; and any tenders that shall be made for the execution of such works shall be opened at the first adjournment of such Sessions, and dealt with in all respects in like manner as any other tender for a work approved of and presented is: Provided always, that if such presentment shall not be made, and a valid contract for executing such work shall not be entered into, within the period of two months from the assizes at which such warrant shall have been laid before the grand jury, it shall be lawful for the Lord Lieutenant to direct the Commissioners of Public Works in Ireland to build or provide such sessions house, and on the production to the grand jury at any assizes of the certificate of the secretary of such Commissioners that a sum not exceeding the sum of 1,000*l.* has been expended in building such sessions house and purchasing a site for the same, or for either of such purposes, the grand jury shall and they are hereby required to present the sum so certified to be levied off such county in one payment, and to be paid to the secretary of the said Commissioners in satisfaction of the sum so expended: Provided further, that in case the said Commissioners of Public Works shall find it convenient to take a lease of any premises for the purpose of building such sessions house thereon, they shall be at liberty to do so, and to engage to pay an annual or other rent for the same, not exceeding the sum of 50*l.* per annum, and the grand jury shall and they are hereby required from time to time to present a sum equal to the amount of such rent to be levied off the county and paid in discharge of the same.

LXXI. That it shall and may be lawful for the grand jury of any county to advertise in the public newspapers for specifications, maps, plans, sections, and elevations from professional architects for the erection, alteration, and repair of such buildings as may be required for the public use of the county, and to present a sum not exceeding 50*l.* as remuneration to the architect whose plans shall be approved of, and to employ such architect, should they judge it necessary, in superintending the work to be executed pursuant to his plan, on such terms as may be determined by the grand jury.

LXXII. That whenever any presentment shall be or has been made for the purpose of building a new or enlarging any court house or sessions house in and for any county, it shall and may be lawful for the grand jury of such county to authorize such Commissioners as such grand jury shall appoint to contract and agree with any person or persons, or body or bodies corporate or politic, for the purchase or renting of any houses, buildings, lands, tenements, or hereditaments convenient for the site of any new court house or sessions house, or adjoining to any old court or sessions house, and convenient for the purpose of enlarging the same or the courts or outlets thereunto belonging; and the lands, tenements, or hereditaments so contracted or agreed for shall be demised or conveyed to such Commissioners, and to their heirs, executors, administrators, and assigns, in trust for the uses and purposes aforesaid; and such Commissioners shall be appointed, and such demise or conveyance made, in such manner and under such and the like rules and regulations as are prescribed in 7 Geo. 4. c. 74, intituled, 'An Act for consolidating and amending the Laws relating to Prisons in Ireland,' with respect to the appointment of Commissioners and the demising and conveying of any lands, tenements, or hereditaments to such Commissioners under that Act: Provided always, that in case such Commissioners shall be unable to agree with the owners of any lands, tenements, or hereditaments

proper or necessary to be purchased for the purposes of any such presentment, and if the grand jury by which such presentment shall have been made or any subsequent grand jury shall direct that the same be purchased or rented by and under the valuation of a jury, it shall and may be lawful to and for the Commissioners appointed as aforesaid, or any three or more of them, to issue their warrant to the sheriff in the manner directed by the said Act, 7 Geo. 4. c. 74, and thereupon such and the like proceedings shall and may be had and taken for summoning, impannelling, and swearing juries, and valuing the premises so directed to be purchased or rented, and each and every part thereof respectively, and for obtaining the full possession and seisin thereof and a good title thereto in the said Commissioners, and with and subject to all the same rules, regulations, conditions, and jurisdictions, as in the said Act provided concerning any premises to be purchased by such valuation under the aforesaid Act, 7 Geo. 4. c. 74, and the said Commissioners shall in that behalf have, possess, and exercise all and every the like powers and authorities, as by the said Act are granted to and vested in the Commissioners therein mentioned; and it shall be lawful for any such or any subsequent grand jury to present the sum so agreed upon or fixed as the purchase-money of such premises, and the costs attending such purchase, to be levied off such county, either at one time or by half-yearly instalments, in such manner as they may think proper, and such presentment may be made without any previous application to any presentment Sessions.

XXIII. That it shall and may be lawful for the grand jury of any county, and they are hereby required, to present at each Assizes, without previous application at presentment Sessions, to be raised upon such county, all such sum or sums of money as shall be necessary for paying such rent or rents of any court house or sessions house, or their appurtenances respectively, as now are or shall at any time hereafter be payable for the same.

XXIV. That whenever any court house of or for any county at large shall have been built or enlarged pursuant to the provisions of this or any other Act of Parliament, then if such court house or the additions so then made thereto shall be within a county of a city or county of a town wherein the assizes or commissions of oyer and terminer and general gaol delivery for such county have usually sat or been held, every such court house which shall have been so built or enlarged, and all additions so thereto made and appurtenances therewith occupied, shall be deemed and taken to be part and parcel of the county at large for which the same shall have been so built or enlarged as aforesaid: Provided always, that whenever such tenement shall cease to be a court house, whether by reason of the building a new court house or otherwise, then and from thenceforward such house and the site and appurtenances thereof shall be and be deemed and taken to be part and parcel of the county of the city or county of the town within which the same shall be so locally situate.

XXV. That it shall and may be lawful for the Commissioners appointed as aforesaid by any grand jury of any county to sell and dispose or to authorize the sale and disposal of any old court house or sessions house belonging to such county in which the assizes or sessions for such county have been discontinued or ceased to be held, together with the ground or site on which the same is built, according to the title or interest which such county may have in the same, and also to sell and dispose of or to authorize the sale and disposal of all or any part of the materials of which such old court house or sessions house may be composed, and the money arising therefrom shall be paid into the hands of the treasurer of such county to the credit of such county, and applied to defray the purchase-money of any premises required for the erection of any new court house, or to the erection of such new court house, or such other purposes as any other public money raised off such county and coming to the hands of such treasurer may be applied.

XXVI. That it shall and may be lawful for the grand jury of any county at any assizes, without any previous application to presentment Sessions, to present, to be levied off such county, such reasonable sum or sums as they shall think proper for providing fuel or light for each and every or any court house or sessions house in or belonging to such county; provided that no sum so presented shall be paid by the treasurer of such county until the person to whom any such sum so to be presented for fuel shall be payable under such presentment shall produce to such treasurer an affidavit, sworn by him before the foreman of the grand jury at the last assizes for such county, stating that the sum required to be paid hath been duly expended in the purchase of fuel for the use of such court house or sessions house pursuant to such presentment, and that the whole of such fuel hath been consumed in the said court house or sessions house and for the use and benefit thereof, or if any part of such fuel shall not have been consumed, stating how much thereof has been consumed, and that the residue then remains in safe keeping, to be applied to the use of the said court house or sessions house in like manner.

XXVII. That it shall be lawful for the grand jury of any county to present, for each of the places wherein petty sessions shall be appointed to be held, an annual sum not exceeding 10*l.*, to be raised off such county, for the rent of a room or rooms for the holding of petty or special sessions thereat, and of a lock-up room or house, provided that such room or rooms shall not be in a house where spirituous or fermented liquors are sold, nor in any police barrack, nor in any other building maintained either wholly or in part at the public expense; and provided that whenever a public court house shall have been built and provided at any place so appointed no such presentment shall be made, but the petty and special sessions shall be holden in such public court house, and not elsewhere: Provided also, that it shall be proved to the satisfaction of the county presentment Sessions, where application shall be made for such rent, that six meetings of Justices during the six months immediately preceding such application shall have been held in such room or rooms.

And after reciting that leases have been made from time to time of premises for the purpose of erecting court houses thereon, and for other public purposes, and that it may be expedient to surrender such leases and thereby relieve the county from the payment of an annual rent;—

It is Enacted,

XXVIII. That it shall be lawful for any grand jury, without any previous application to a presenting Session, to present that any sum not exceeding 1,000*l.* shall be raised off any county, and paid to the lessor in any lease of premises held for any public purposes, or the representatives of such lessor, as a consideration for accepting a surrender of such lease.

XXIX. That it shall and may be lawful for the grand jury of any county to present, without any previous application at Sessions, to be levied off such county, any sum not exceeding 4*l.* at each assizes as a salary or payment for the keeper of any

sessions house belonging to such county where the General Quarter Sessions of the Peace are held, and any sum not exceeding 5*l.* at each assizes for an interpreter at such assizes, if such payment shall be recommended by the Court.

LXXX. That it shall be lawful for any grand jury as aforesaid to present, to be raised off the county at large, any sum or sums of money for making or repairing a gallows, or for bolts and shackles, not exceeding in the whole in any one year the sum of 20*l.*, and also for erecting or repairing direction posts, milestones, mile-posts, or depôts for materials, not exceeding 1*l.* for each direction post, milestone, mile-post, or depôt.

LXXXI. That where any fever hospital or dispensary for the purpose of furnishing medicine and affording medical and surgical aid to the poor of any city, town, or place in any county is now or shall be hereafter established in such county by private subscriptions or donations, and a certificate of the sum or sums of money actually received by the treasurer of such fever hospital or dispensary from private subscription or donation since the last application to presentment Sessions, or since the establishment of such fever hospital or dispensary, and a statement of the number of persons admitted or relieved, together with an account of the receipt and disbursement of all monies raised by virtue of any presentment for such fever hospital or dispensary, as well as of all monies actually received from private subscription or donation for the use of such fever hospital or dispensary since the date of such last application or establishment, shall have been laid before the presentment Sessions ensuing the disbursement thereof, and such certificate and account, verified upon the oath of such treasurer, shall, together with the application for a presentment for such fever hospital or dispensary, have been allowed and approved of at such Sessions, it shall be lawful for the grand jury of such county at any assizes, and they are hereby required, to present, to be raised off such county, in case of a fever hospital, a sum not exceeding double the amount, and, in the case of a dispensary, a sum equal to the amount of such private subscriptions or donations so received, to be paid to the treasurer of such fever hospital or dispensary, and applied (under the direction of the subscribers of any annual sum of not less than 1*l.* 1*s.*, or such committee of them, not fewer in number than five, as they shall appoint for that purpose at any general meeting of such subscribers), together with the monies received by private subscription and donation, in fitting up and supporting such fever hospital or dispensary, and in providing medicine and medical and surgical aid for the poor of such place and its neighbourhood: Provided always, that when any fever hospital shall be attached to any dispensary, the treasurer of the same shall separate the accounts of the receipts and expenditure of each such fever hospital and dispensary, and the application for presentments for each shall be separate and distinct; and provided also, that no such presentment shall be made unless it shall appear by the certificate of such treasurer, verified as aforesaid, that the medical attendant, if appointed after the passing of this Act, resided since the creation of such dispensary or hospital, or since the last assizes (as the case may be), at or within five statute miles of such dispensary or hospital; and provided also, that no such presentment shall be made in case it shall appear that the salary of the medical attendant during the last year amounted to one-half of the sum to which the subscriptions, donations, and the sum presented would amount.

LXXXII. That whenever it shall be made appear, by statement on oath to the grand jury of any county, that there has been actually received from private subscriptions or donations any sum or sums of money for the purpose of erecting any house to be applied to the reception of fever patients, and either connected with any local dispensary or not, as the case may happen, and upon a certificate by one or more physicians that there is a necessity for providing accommodation for such patients, it shall and may be lawful for such grand jury, and they are hereby required, to present, to be raised off such county, any sum not exceeding double the amount of the sum or sums so raised by donation or subscription, and actually received by the treasurer, to be applied, together with the monies so received by private donation or subscription, in erecting such house for fever patients, in such manner as the subscribers of any sum not less than 1*l.* 1*s.*, or such committee of them not fewer than five, as they shall appoint for that purpose at any general meeting of such subscribers, shall in their discretion deem most advisable: Provided always, that the affidavit and certificate herein mentioned shall, together with the application for such presentment, have also been laid before the presentment Sessions and approved thereof: Provided also, that it shall and may be lawful for the grand juries of the county of Cork and county of the city of Cork respectively, if they shall think proper, to present for the support and maintenance of the fever hospital or house of industry or lunatic asylum in the city or county of Cork at any assizes any sum not exceeding the sum presented for the support or maintenance of such establishments respectively at any assizes during the last five years.

LXXXIII. That where any fever hospital has been or shall be established in and for any county it shall and may be lawful for the grand jury of such county to present such sum or sums of money, not exceeding the sum of 250*l.* at each assizes, as shall appear to be necessary for the support of any such county fever hospital, and such sum shall be raised off the county at large, and levied and applied accordingly: Provided always, that an account of the receipt and expenditure of such fever hospital, from the time of its establishment to the time of the first presentment required, and afterwards from the time of each presentment required till the time when any further presentment is required, shall, together with an application for the sum so proposed to be presented, be laid before the presentment Sessions to be holden under this Act for the purpose of considering applications for presentments, and that such account and application shall be approved at such sessions.

LXXXIV. That it shall be lawful to and for the grand jury of any county in which a fever hospital shall not have been erected before the passing of this Act, or in which it shall be made appear to the satisfaction of the grand jury that any fever hospital requires to be enlarged, repaired, or rebuilt, to present at any assizes for such county any sum or sums of money for the purpose of erecting, establishing, hiring, repairing, and fitting up any fever hospital in any such county in which no such hospital shall have been previously established, or for the purpose of enlarging, repairing, or rebuilding any fever hospital which shall have been previously established, and to set forth in such presentment that the sum therein mentioned shall be raised and levied within the period of six years by half-yearly or yearly instalments; and also to set forth in such presentment what part thereof shall be raised upon any barony or baronies in any such county, or on the county at large; and that the treasurer of any such county shall from time to time, without further authority or presentment in that behalf, insert in his warrant at each assizes the portion or portions so set forth of the sum so presented, and the same shall be raised and levied in like manner from time to time, and with the like remedy in case of non-payment, as all other money directed by such warrant to be lawfully levied; and when

and so soon as such presentment shall have been duly certified by the acting clerk of the crown to the Lord Lieutenant of Ireland it shall and may be lawful to and for such Lord Lieutenant to direct the amount of such sum of money so presented, or any part thereof, to be advanced out of the growing produce of the Consolidated Fund in Ireland to the treasurer of such county, to be applied for the purposes for which such presentment shall have been made under such rules and regulations as to such Lord Lieutenant shall seem fitting and expedient; and such money so advanced and paid by such treasurer shall be accounted for by him in like manner as any other monies received by him for the use of such county, and all securities given by him or in his behalf shall extend to such money; and such treasurer shall from time to time pay to such bank or person as the Lords Commissioners of the Treasury shall direct all such sums as shall from time to time be received by him from the baronial or other collectors by virtue of the presentment, on account of which such money shall have been advanced, until the whole sum advanced shall be repaid.

LXXXV. That it shall be lawful for the grand jury of any county at each assizes to present to be raised off such county (whether there be or be not any special provision in any Act of Parliament relative thereto) a sum not exceeding 700*l.*, to be paid to the treasurer of the infirmary of such county, and applied to the support and maintenance of such infirmary: Provided always, that, together with an application for such presentment, a certificate under the hand of the physician or surgeon of such infirmary, stating the number and names of patients, as well exten as intern, received and relieved since the preceding application, and also a true debtor and creditor account of the funds and expenses thereof commencing from the time of the preceding application, attested by the signature of the treasurer of such infirmary, shall have been laid before the presentment Sessions, and that such application and account shall have been approved of thereat.

LXXXVI. That it shall and may be lawful for the grand jury of any county to present at each assizes any sum not exceeding 47*l.*, to be raised off such county, and paid to the surgeon or surgeons of the infirmary thereof: Provided always, that no such presentment shall be made unless, together with an application therefor, a certificate signed by the governors of such infirmary or hospital, or by five of them at the least, shall be laid before the presentment Sessions, which certificate shall state that the surgeon or surgeons for whom such sum is requested to be presented hath or have resided at or within one mile of such infirmary, and duly and faithfully executed his or their duty as surgeon of such infirmary or hospital, and diligently complied with the rules and regulations of the governors of such infirmary, since the date of the last application, nor unless a true copy (certified under the hand of the treasurer of such infirmary or hospital) of the letters testimonial from the College of Surgeons in Ireland, by law required to be obtained by every such surgeon, shall be laid before the special Sessions next after his appointment to his office, nor unless such surgeon shall have given his attendance and professional assistance, without any other or further fee or reward, to the prisoners and others in the gaol of the county to the infirmary of which he has been appointed surgeon, if such gaol is situate within five miles of such infirmary; and provided also, that no surgeon or medical attendant hereafter appointed shall be qualified to act as surgeon of any infirmary or dispensary until he shall have signed and deposited with the secretary of the grand jury a declaration in the form in the schedule (R.) to this Act annexed.

LXXXVII. That if any person shall at any time after the passing of this Act, by himself, his friends or agents, directly or indirectly give or promise to give any money, or any security for money, or other consideration, to any person or persons in order to procure the appointment to the office of treasurer, clerk of the peace, secretary of the grand jury, surveyor, or any other office or employment in this Act mentioned, or in order to procure the resignation of any person or persons holding such office, or in order to influence the votes of the persons who may have the appointment to such office, he shall be incapable of holding any such office or employment, and shall forfeit for every such offence a sum of 100*l.* to any person who will sue for the same, and such sum may be recovered by civil bill before the assistant barrister, or by action in any of the superior courts; and every person appointed to any of such offices at any time after the passing of this Act shall, at the assizes next after his appointment, subscribe in open court before the foreman of the grand jury and deliver to him a declaration in the form in the schedule (T.) to this Act annexed, and the same shall be preserved by the clerk of the crown among the records of the county, and no presentment shall be made for any salary to any such officer until he shall have so subscribed and delivered such declaration.

LXXXVIII. That it shall be lawful for the grand jury of any county at any assizes to present, to be raised off such county, any sum not less than 400*l.* and not exceeding 1000*l.* in the year for the support of any house of industry in such county established under the provisions of an Act, 11 & 12 Geo. 3. (I.) 'An Act for badging such Poor as shall be found unable to support themselves by Labour, and otherwise providing for them, and for restraining such as shall be found able to support themselves by Labour or Industry from begging'; which sum when so raised shall be paid to the corporation of such house of industry, and applied by the said corporation towards the support and maintenance of the same accordingly: Provided always, that, together with an application for such presentment, a debtor and creditor account of the funds and expenses of such house of industry from the time of the last application shall have been laid before the county presentment Sessions and approved thereat.

LXXXIX. That where a lunatic asylum or any ward or wards for the reception and support of idiots and insane persons is connected with or under the direction of any house of industry in any county, it shall and may be lawful for the grand jury at any summer assizes to present such sum or sums not exceeding the sum of 100*l.* as shall appear to be necessary for the support of such asylum or ward connected with such house of industry, and such sum shall be raised off the county at large, and levied and applied accordingly.

XC. That whenever the Lord Lieutenant of Ireland shall at any time have ordered any sum or sums of money to be advanced out of the Consolidated Fund for the payment of the expenses incurred by any Commissioners appointed by such Lord Lieutenant or other Chief Governor or Governors to form a board of health in any city, town, or district, it shall be lawful for the grand jury of any county in which such expense shall be or have been incurred, and they are hereby required, to present, without previous application to presentment Sessions, all sums so advanced to be raised off such county: Provided always, however, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury, if they shall think fit, to direct that such sum shall be repaid by such instalments as they may think proper.

XCII. That at any time after any order in council shall be made by the Lord Lieutenant of Ireland by and with the advice of His Majesty's Privy Council in Ireland, under and by virtue of the provisions of an Act, 1 & 2 Geo. 4. c. 33, intituled, 'An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences, in Ireland,' or any Act or Acts amending the same, and after such order shall have been published in the *Dublin Gazette*, it shall and may be lawful for the grand jury of any county within any district appointed under the said recited Act to present at any assizes such sum or sums of money to be raised off such county as shall be requisite for defraying the expenses of erecting and establishing an asylum for the lunatic poor for such district, or any proportion thereof, ascertained by any order made by the said Lord Lieutenant and Privy Council.

XCIII. That it shall and may be lawful for the grand jury of any county, within any district for which a lunatic asylum is now or shall at any time hereafter be built and established under the provisions of the said last-recited Act, to present at each assizes to be levied off such county, such sum or sums of money as shall be necessary for the expenses of supporting, supplying, and maintaining any such asylum, or the officers thereof, or the patients therein, or any proportion of such expenses, ascertained by order of the said Lord Lieutenant and Privy Council.

XCIV. That whenever the Lord Lieutenant of Ireland, by and with the advice of His Majesty's Privy Council in Ireland, shall, under the provisions of the said last-recited Act or any Act amending the same, have ordered and directed any sum or sums of money to be advanced, issued, and paid out of the growing produce of the Consolidated Fund arising in Ireland for the purpose of erecting and establishing, opening, carrying on, maintaining, or supporting any such asylum, the grand jury of every county within the district in and for which such asylum shall be erected and established shall and they are hereby required (after any such asylum shall be fit for the reception of such lunatic poor) to present at each assizes, without any previous application at presentment Sessions, such sum or sums of money to be levied off such county as shall be necessary for the repayment of any such sum or sums so advanced, or any part thereof at such times and in such proportions as shall be directed and ascertained by any order or orders to be made by such Lord Lieutenant in council as aforesaid.

XCIV. That in each and every case when the Commissioners appointed for general controul and correspondence, and for the superintending and directing the erection, establishment, and regulation of district lunatic asylums, shall have rented or purchased any houses, buildings, lands, tenements, or hereditaments, on the site or sites of which it shall be proposed to erect or maintain any such asylum, it shall be lawful for the grand jury of any county in or for which wholly or in part any such asylum hath been or shall be established, and such grand jury are hereby required, at the assizes next ensuing the day or time when such purchase shall be made or such rent shall become due, or as soon after as shall be requisite, and so from time to time whenever the case shall happen, to present, without previous application to presentment Sessions, to be levied off such county, such sum or sums of money as they shall be directed to present by the Lord Lieutenant of Ireland in council as aforesaid for the purpose of completing such purchase or paying such rent or rents.

And after reciting that by an Act 7 Geo. 3. it was enacted, that the infirmary for the county of Donegal should be erected at Lifford, which is now found to be an inconvenient situation ;—

It is Enacted,

xcv. That so much of the said Act as relates to the erection of said infirmary shall be and the same is hereby repealed ; and that it shall and may be lawful for the Lord Lieutenant or other chief governor, by and with the advice of the Privy Council of Ireland, upon a memorial being presented from two-thirds of the grand jury of the county of Donegal, praying for the removal of the infirmary of said county to some other convenient place, to order and direct that said infirmary be removed accordingly, and that the grand jury of the county of Donegal shall and may thereupon present such sums as shall be necessary for the aforesaid purpose.

xcvi. That it shall and may be lawful for the grand jury of any county in which any diocesan school or district school, or the site appointed for the same shall be situate to present, to be levied off such county, any sum or sums which they shall think proper for purchasing, providing, building, or repairing any such school-house or a dwelling-house for the master thereof, or any of the offices or appurtenances properly belonging to such school-house or dwelling-house, or for purchasing or procuring a site for the same, not exceeding the quantity of two plantation acres : Provided always, that whenever any grand jury shall make such presentment for any school-house or dwelling-house as and for the school-house of the diocese only within which such county shall be situate, or as and for the dwelling-house of the schoolmaster of such diocesan school only, such diocese shall not be or remain united to or with any other diocese under any of the provisions of an Act, 53 Geo. 3. c. 107, intituled, 'An Act for the Appointment of Commissioners for the Regulation of the several endowed Schools of public and private Foundations in Ireland,' but such diocesan school shall be supported within its proper diocese only, and the money raised in such diocese shall be applied solely and entirely to the use of such diocesan school, and not to any district school or other school out of such diocese.

xcvii. That it shall be lawful for the grand jury of any county at each assizes to present any sum not exceeding in the whole a sum after the rate of 30*l.* for each and every coroner in such county, according to the Schedule (B.) hereto annexed, to be levied off such county or any barony therein as such grand jury shall think advisable, and such grand jury shall apportion the whole of such sum so presented among the several coroners of such county according to the number of inquests which may appear to have been respectively held upon the body of any person by each of such coroners since the date of the last application for a presentment ; and such sums shall be paid by the treasurer to the coroners respectively who shall have held such inquests and for whom such sums shall have been presented : Provided always, that no coroner shall receive more than at the rate of 2*l.* for each inquest so held by him.

xcviii. That it shall not be lawful for any grand jury to make any presentment for any such remuneration to any such coroner unless, together with the application for the same at the county presentment Sessions, there be laid before such Sessions a certificate of each inquest respectively taken by such coroner, made and signed by such coroner in the form following :

' I A. B., a Coroner in the County [County of a City or County of a Town] of
 Day of I held an Inquest on the Body of C. D. at
 of a City or County of a Town], and that the Names of the Jurors impanelled on such inquest were as follows :

' And that the Names of the Witnesses examined before such Jurors were as follows :

' And that the Verdict of such Jury was
 All which I certify. Dated this Day of

' A. B.,
 ' Coroner of this County [County of a City or County of a Town] of

And it shall be lawful for such sessions or the grand jury, in case they shall so think fit, to examine any such coroner upon oath as to the truth of any such certificate.

XCIX. That it shall and may be lawful for any coroner before whom any physician, surgeon, apothecary, chemist, or other person practising medicine or surgery, shall, in obedience to a summons from such coroner, attend and be examined as a witness at any inquest relative to the death of any person, to grant such witness an order signed by such coroner, upon the treasurer of the county wherein such inquest shall be held, for such sum not exceeding 3*l*. as to such coroner shall seem fit, and the amount of all such payments shall be presented by the grand jury to be raised off the county at large, or any barony thereof, in like manner as the sum presented for the inquest whereat such party may have attended, provided always, that the coroner shall certify to the presentment Sessions of the barony in which the inquest was held the amount and particulars of all such sums as by him ordered to be paid, and that such payment shall have been approved thereat, but not otherwise.

c. Provided always, That it shall not be lawful for any grand jury to present any money to be paid to any coroner who shall appear to them to have been guilty of neglect of duty in not attending to take any inquest or otherwise, nor in any case to present any money for the remuneration of any coroner for or in respect of any inquest other than such as shall have been held since the date of the application for the last presentment.

ci. That it shall be lawful for the grand jury of each county at each assizes, and they are hereby required, to present, to be levied off such county, or off any barony or half barony (as the case may be), all and every such sum and sums of money as may be chargeable upon and directed to be presented and levied off such county, barony, or half barony, by and under the provisions of an Act, 34 Geo. 3. c. 151, intituled, ' An Act to provide for the better Execution of the Laws in Ireland, by appointing Superintending Magistrates and additional Constables in certain Cases,' or any Act amending the same, or an Act, 3 Geo. 4. c. 103, intituled, ' An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates, in certain Cases,' or any Act amending the same, or any Act passed or to be passed in this present session of Parliament to consolidate the laws relating to the Constabulary Force in Ireland; and every such presentment shall be made without any previous application to presentment Sessions, and in all respects pursuant to the regulations of the said Acts, or such of them as may be applicable to the case; and the money levied under every such presentment shall be paid over in such manner and to such bank or persons as the Lords Commissioners of His Majesty's Treasury, or any three or more of them, shall direct, save and except in the case of the superannuations hereinafter and by the said Acts or any of them directed to be paid to the parties entitled to the same.

cii. That whenever the Lord Lieutenant of Ireland shall, under and by virtue of the provisions of an Act, 5 Geo. 4. c. 28, intituled, ' An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in Ireland,' or under the provisions of any other Act, have ordered any sum or sums of money to be paid and advanced out of the produce of the Consolidated Fund of Great Britain and Ireland, arising in Ireland, as an annual remuneration or superannuation to any chief constable, constable, or sub-constable disabled by any maim, wound, or hurt, or other grievous injury, received by him in the execution or performance of the duty of his office, it shall and may be lawful for the grand jury of any county for which or for any barony whereof such constable shall have been appointed, or the grand jury of the county in which such chief or other constable may have been maimed, wounded, or hurt, in case the Lord Lieutenant shall direct that such county shall bear the charge, and such grand jury is hereby required, upon the production of the certificate of the Chief Secretary of the Lord Lieutenant for the time being, or of the Under Secretary, of the amount of the sum or sums so paid and advanced out of the Consolidated Fund for the superannuation of such constables, to present (without previous application to presentment Sessions) one moiety of such sum or sums so paid, advanced, and certified as aforesaid, to be levied off such county or barony; and the same when levied shall be paid over in such manner and to such bank or person as the Lords Commissioners of the Treasury or any three or more of them shall direct.

ciii. That it shall and may be lawful for the grand jury of each county, and they are hereby required, to present (without previous application to presentment Sessions) such yearly allowance, superannuation, compensation, gratuity, or remuneration, as the Lord Lieutenant or other chief governor or governors of Ireland for the time being shall order, or at any time have ordered, to be paid by such county, or such proportion thereof as he or they shall direct or have directed to be paid to any Magistrate, inspector, deputy inspector, co-inspector, sub-inspector, chief constable, constable, or sub-constable, who has been or shall hereafter be superannuated, by virtue of the provisions of any Act or Acts of Parliament now in force, or which may be passed in this present session of Parliament, authorizing such Lord Lieutenant or other chief governor or governors to grant such superannuation, and such allowance, superannuation, compensation, gratuity, or remuneration shall be presented in equal moieties, one at each assizes during the life of each person so entitled thereto, on proof to the grand jury from time to time that such person is living, and, when raised, such money shall be paid to each such person by the county treasurer.

civ. That when in any county any special constables shall have been appointed by virtue of an Act, 2 & 3 Will. 4. c. 108, intituled, ' An Act for amending the Laws in Ireland relative to the Appointment of Special Constables, and for the better Preservation of the Peace,' and the Justices of the Peace of such county, acting at a special sessions held for that purpose, or the major part of them, shall, in pursuance of the powers given to them by the said Act, have made any order or orders upon the

county treasurer for the payment to such special constables of a reasonable allowance for their trouble and loss of time, or to defray expenses incurred in providing staves or other necessary articles for such special constables, it shall and may be lawful for the grand jury of such county, and such grand jury is hereby required, to present, (without previous application to presentment Sessions,) to be raised off such county or any barony thereof within which such special constables may have served, the amount of all sums paid by the county treasurer pursuant to such order or orders.

CV. That where any person shall have been tried for any felony whatsoever, it shall be lawful for the Court before whom such person shall have been tried, in case it shall appear that there was a reasonable ground of prosecution, to order the treasurer of the county in which the offence shall have been or shall have been alleged to have been committed to pay to the prosecutor, upon his application, such sum of money as to such Court shall seem reasonable, not exceeding the expenses which it shall appear to the Court that such prosecutor may have *bond fide* incurred in carrying on such prosecution; and in case such prosecutor shall appear to the Court to be in poor circumstances, such Court may make a further reasonable allowance to such prosecutor for trouble and loss of time, which order the clerk of the crown or clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such prosecutor without fee or reward; and when any person shall appear on recognizance or subpoena to give evidence as to any felony whatsoever, whether the prosecution of such felony be commenced or carried on by or under the direction of any law officer of the crown or any other person, it shall be lawful for the Court before which such person shall appear, whether any bill of indictment be preferred or not to any grand jury, in case such person shall *bond fide* have attended in obedience to such recognizance or subpoena, to order the treasurer of the county in which the offence shall have been or shall have been supposed to have been committed to pay unto such person such sum of money as shall seem reasonable, not exceeding the expenses which it shall appear that such person has *bond fide* incurred by reason of the said recognizance or subpoena; and in case such person shall appear to be in poor circumstances such Court may make a further reasonable allowance to such person for trouble and loss of time; which order the clerk of the crown or the clerk of the peace respectively is hereby directed and required forthwith to make out and deliver to such person; and such treasurer is hereby authorized and required, out of any public money in his hands, forthwith to pay to any such prosecutor or witness respectively, or to any person by him or her authorized, any such sum of money so ordered, and such treasurer shall be allowed the same in his accounts; and the grand jury of such county shall at each assizes present all sums so paid to such prosecutors and witnesses respectively, to be raised either off the county at large or upon any barony thereof, as to such grand jury shall seem fit; and such presentment may be made without any previous application to presentment Sessions.

CVI. That if it shall appear that any person having given information or evidence against any person or persons charged with any offence against the public peace shall have been murdered or maimed previous to the trial of the person or persons accused by such information or evidence, or of any of them, or on account of any such evidence given, or that any Magistrate or other peace officer shall be murdered or maimed on account of his exertions, as such Magistrate or peace officer, to bring disturbance of the public peace to justice, it shall and may be lawful to and for the grand jury of the county within which such murder or maiming shall have been committed respectively to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of such witness, Magistrate, or peace officer so murdered, or to such witness, Magistrate, or peace officer so maimed, having regard to the rank, degree, situation, and circumstances of such witness, Magistrate, or peace officer, such money to be raised off the county at large or the barony in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury.

CVII. That it shall and may be lawful for the grand jury of any county at any assizes, if they shall think fit, to present, without any previous application at sessions, any sum of money not exceeding the sum of 20*l.* for each and every person who shall apprehend and prosecute to conviction any person guilty of any murder, and any sum not exceeding 10*l.* for each and every person who shall apprehend and prosecute to conviction any person guilty of any other capital felony or misdemeanor for which any person on conviction may be liable to be transported; such sum or sums to be raised off such county or any barony thereof as such grand jury shall think proper, and to be paid to any prosecutor or prosecutors of such offenders as aforesaid; and such presentment may be made during the time appointed for transacting the criminal business of such county.

CVIII. That the grand jury of any county where any offence shall have been committed shall present, to be levied off such county, the expenses attending the removal thereto of any prisoner apprehended according to law in any other part of the United Kingdom: Provided that, with an application by the treasurer of the county to the next county presentment Sessions after such expenses shall have been repaid by him, there shall be laid by such treasurer before such Sessions the account or accounts of such expenses, verified as by law required, upon which he shall have repaid the same, and that such application and account shall be approved at such Sessions.

CIX. That where, after the passing of this Act, any child under the age of two years shall be left exposed and deserted in any parish in Ireland, and an application shall have been made by any two cess payers, with the approval of two or more Justices at petty sessions assembled, and such application shall likewise have been approved at the presentment Sessions for the barony in which such parish shall be situate, it shall be lawful for the grand jury of such county to present, to be levied off such parish, or any portion thereof, any sum not exceeding 5*l.* in the year for the maintenance of such child, and such sum so levied shall be paid to the cess payers making such application or such other person or persons as the grand jury shall direct, to be by them applied for the purposes aforesaid: Provided always, that if the baronial presentment Sessions shall not approve of any such application, or the grand jury of such county shall refuse or neglect to make such presentment, it shall be lawful for the Judge of Assize, upon the complaint of such cess payers, to order such sum as he shall think fit, not exceeding 5*l.* to be raised upon such parish or portion thereof (in the same manner as any money presented by grand juries) for the support of such child; and provided further, that in no case shall any sum be presented for the support of any such child after it shall have attained the age of twelve years.

CX. That all county treasurers, clerks of the crown, clerks of the peace, secretaries to grand juries, sheriffs, medical officers of prisons, and all other officers and persons mentioned and specified in the Schedule marked (S.) to this Act, appointed, shall from and after the passing of this Act be paid and remunerated for their respective duties, services, and expenses by annual

salaries only, payable half-yearly at each assizes by equal moieties, and not exceeding the amount mentioned in the said Schedule; and the grand jury at any assizes shall and may present (without previous application to presentment Sessions) for each such officer, to be raised off the county at large, the moiety of such annual salary: Provided always, that in case of any negligent or insufficient discharge of duty by any such officer or officers, it shall and may be lawful to and for any grand jury, with the express sanction of the Court, but not otherwise, to present any sum or sums less in the whole than the moiety of the annual salary by this Act specified to be paid to any such officer or officers, or to withhold and refuse to make any presentment whatever for any such officer or officers; and that such officer shall not be entitled to receive any payment for any service or duty performed at an adjourned assizes.

CXI. That no presentment for any salary to any treasurer of any county shall be filed by any Court or Judge unless there shall be previously produced to such Court or Judge by the acting clerk of the crown either a certificate signed by the proper officer of the Court of Exchequer in Ireland stating that such treasurer has duly given and entered into the recognizances now required of him by law, and that such recognizances have been duly deposited and entered or recorded in such court, and the dates thereof and the names of the respective sureties therein, and the sums for which such sureties were severally bound, or else a certificate signed by the Accountant General of the Court of Chancery that such sum of money as shall be equal to the amount of security required to be given by such treasurer has been duly invested as by law required, and a certificate or receipt that he has duly paid all instalments to the public boards which have been presented at the previous assizes, and that his accounts have been duly audited by the grand jury.

CXII. That before any clerk of the crown or clerk of the peace shall be entitled to receive such salary as is hereby provided he shall at each assizes lay before the grand jury an account, verified on oath and sworn and read in open court, setting forth the total amount of his fees and other emoluments, and distinguishing the several sums paid and received under each separate head of service, and the rates of fees or remunerations received on each; and it shall not be lawful for any grand jury to present to be paid to any clerk of the peace, unless it shall appear to them that he has given security by recognizance in the sum of 1,000*l.* for the due and faithful execution of his office of clerk of the peace, and that such recognizances have been duly deposited or recorded.

CXIII. That in any county wherein a special commission shall be held for the trial of offenders the grand jury at the assizes next immediately ensuing shall and may (without previous application to presentment Sessions) make a further presentment for the clerks of the crown, sheriffs and Judge's crier, not exceeding one-fourth of their annual salary, subject nevertheless to the like direction as hereinbefore given to any grand jury in case of neglect or insufficient discharge of duty by any officer.

CXIV. That the presentments to be made under this Act for the secretaries to the several grand juries shall be in full acquittance of all demands to be made by such secretaries for stationery, which such secretaries shall be bound to furnish to the several grand juries without further charge, not however including the expense of printing herein specially provided for.

CXV. That it shall and may be lawful for every grand jury at each assizes, and they are hereby required, to present all such sum or sums of money as may be necessary to defray the expense of providing and printing all such registry books and lists of registered voters as are or shall be required to be provided and printed by the several Acts now in force for regulating the election of members to serve in Parliament in Ireland, to be paid to the person or persons who shall have contracted for supplying and printing such books or lists.

CXVI. That it shall and may be lawful for the grand jury of any county, and they are hereby required, to present, to be raised off such county, the expense of providing and transmitting such copies of the imperial standard weights and measures, and the stamps to be used by the inspectors of weights and measures, and such remunerations to inspectors, as they are respectively directed to provide and transmit under and by virtue of 5 & 6 Will. 4. c. 63, intituled, 'An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof.'

CXVII. That it shall and may be lawful for the grand jury of any county to present, to be levied off such county, such sum or sums of money as may be necessary or shall have been expended for or in suing any treasurer, high constable, or collector of any public money, or any of their sureties, executors, or administrators, for any misconduct, breach of duty, or non-payment, or for recovering any public money from any treasurer, high constable, or collector, or their sureties, executors, or administrators, or for suing any contractor under this Act, or under any Act in force in Ireland at the time of the passing of this Act, his sureties, executors, or administrators, for any breach of contract; provided that no such presentment shall be made, unless, together with the application therefor at presentment Sessions, there shall have been laid before such Sessions a bill duly taxed and certified by the proper taxing officer of the costs incurred for any of the purposes aforesaid for which such presentment shall be required, nor unless it shall be proved that such costs could not be recovered from the person sued, or any other person liable to pay the same, and that the proceeding was instituted by the direction of a grand jury.

CXVIII. That whenever the Lord Lieutenant of Ireland, by virtue of the powers and authorities given to him by 7 Geo. 4. c. 62, and any Act amending the same, or any Act passed or to be passed in this present session of Parliament consolidating or amending such Acts, shall have ordered and directed any sum or sums of money to be advanced out of the produce of the Consolidated Fund of the United Kingdom arising in Ireland, for the defraying of the salary or the travelling or other expenses of any Commissioner of Valuation, or for defraying the allowances of any valuers appointed under the provisions of the said recited Acts or any of them, it shall and may be lawful for the grand jury of any and every county in which such Commissioner and such valuers shall be employed, and they are hereby authorized and required, on the production of the certificate of the Chief Secretary of such Lord Lieutenant, or of the under secretary, of the amount of money advanced and paid as aforesaid, to present (without previous application to presentment Sessions), to be levied off their respective counties or any barony or baronies therein, the amount of the sum or sums stated in such certificate, in such manner and in such proportions as the said Lord Lieutenant shall direct; and when and so soon as the sum or sums so to be presented as aforesaid shall be raised and received

by the treasurer of any county, such treasurer shall pay over the same in such manner and to such bank or person as the Lords Commissioners of His Majesty's Treasury shall direct.

cxix. That it shall and may be lawful for the grand jury of any county to present at any assizes such sum or sums of money as may be necessary to repair or widen to any width not exceeding fifteen feet any towing path and trackway on the bank of any navigable river on which boats have been accustomed to be towed by horses; to be levied off the barony or baronies in which such towing path and trackway are locally situate: Provided always, that nothing herein contained shall extend to the repairing or widening of the towing paths or trackways of canals or rivers whereon tolls are paid or payable.

cxx. That it shall be lawful for any person or persons who now have or hereafter shall have any ferry over a river (except in cities and towns corporate) to erect and support a bridge at his or their own expense over such river in the place of such ferry, and to take and receive for passing such bridge such toll, and no more, as they are entitled to receive for passing such ferry, so as that such bridge shall not obstruct the navigation of such river; and that such tolls shall be recoverable in the like manner, and under such penalties for refusing or evading to pay the same, by any Justice of the Peace, as is prescribed by the 30 Geo. 3. (I.), intituled, 'An Act for the building a Bridge over the River Loughfoyle in the City of Londonderry and the Suburbs thereof,' and that it shall be lawful for any grand jury, upon an application made and approved of in manner by this Act directed, to make presentment for the purchase of the properties in any such bridges or ferries, in order to open the same, free of tolls, for the benefit of the public.

cxxi. That at any time after the completing and opening of any bridge built in pursuance of 19 & 20 Geo. 3. (I.), intituled, 'An Act for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same, in certain Cases,' and of the 53 Geo. 3, amending the same, it shall and may be lawful for the grand jury of the county in which such bridge shall be situate, or if situate in two counties, then for the grand juries of such counties, to redeem the tolls payable under the said Acts to the owner or owners of the said tolls, by paying in one sum to such owner or owners the original sum expended in building such bridge, with any deficiency of interest which may arise, in case by the perception of the said tolls the said owner or owners shall not have received, above all necessary costs and charges of repair and collection of the said tolls, the legal interest at the least for the money originally expended in building and erecting such bridge; and on such payment of the original sum so expended, and of such deficiency, if any there shall be, then the said tolls shall cease, and the passage of such bridge shall be open and free to all cattle, carriages, and persons whatsoever; and such grand jury is hereby empowered, upon an application made and approved of in manner by this Act directed, to raise by presentment, to be levied off the county at large, such sum or sums of money as may be sufficient to defray the expenses of redeeming such tolls in manner aforesaid, such sum or sums to be paid to the owner or owners of such tolls.

cxvii. That nothing herein contained shall be construed to limit or affect the power or duties of any grand jury to make any presentment which they are authorized or required to make, under and by virtue of 4 & 5 Will. 4. c. 61; provided that no previous application or approval at presentment Sessions under the provisions of this Act shall be necessary to authorize any such presentment.

cxviii. That nothing in this Act contained shall limit or affect the authority of grand juries to make presentment for clearing, sinking, embanking, or altering the course of any river or stream pursuant to the provisions of 1 & 2 Will. 4. c. 57, intituled, 'An Act to empower Landed Proprietors in Ireland to sink, embank, and remove Obstructions in Rivers;' provided that an application for such presentment, in the form prescribed by the said recited Act, shall have been previously made and approved, in the manner hereinbefore appointed, at the presentment Sessions holden for the barony where the work to which such application may refer shall be locally situate.

cxv. That nothing in this Act contained shall be construed to limit or affect the powers, duties, or authorities of grand juries to make any presentments which they are authorized or required to make under and by virtue of 7 Geo. 4. c. 74, intituled, 'An Act for consolidating and amending the Laws relating to Prisons in Ireland': Provided always, that it shall not be lawful for any grand jury to make any presentment under the provisions of the said recited Act for any salary or compensation to any keeper, turnkey, or matron of any gaol, penitentiary, bridewell, or house of correction, or for building, rebuilding, altering, enlarging, or repairing any gaol, bridewell, house of correction, or other prison, (except in the case of repairs made under the provisions of the said recited Act, in consequence of any fire or other sudden accident which may happen to any such gaol, bridewell, house of correction, or other prison,) unless application for such presentment shall have been made and approved at presentment Sessions in the manner hereinbefore directed and provided: Provided also, that all contracts which any grand jury is authorized to make or enter into under the provisions of the said recited Act shall be made by sealed tenders and proposals, to be delivered, opened, and dealt with, and security to be taken in like manner as hereinbefore provided with respect to other contracts for public works, anything in the said recited Act to the contrary notwithstanding: Provided also, that no such contract shall be entered into, nor any presentment made thereupon, save upon and after an application made and approved at presentment Sessions as hereinbefore directed.

cxvi. That it shall and may be lawful for the grand jury of any county, upon the recommendation of the inspectors general of prisons, or one of them, supported by a presentment of the presentment Sessions of the county at large, and by the certificates of the board of superintendence of any gaol, bridewell, house of correction, or other prison, and by such other certificates as such Lord Lieutenant shall require or direct, that any keeper, turnkey, or matron of such gaol, bridewell, house of correction, or other prison, is incapable, from age or infirmity of mind or body, to discharge the duties of his or her office, to order that such keeper, turnkey, or matron shall and may be superannuated, and shall and may receive such yearly allowance or superannuation as to such grand jury shall seem fitting and proper; and thereupon such keeper, turnkey, or matron shall cease to hold his or her office; and the yearly sum to which he or she shall become entitled shall be presented by the grand jury of the county in which such gaol or other prison shall be situate, in equal moieties, one at each Assizes, during the life of the person so superannuated, on its being proved to the satisfaction of such grand jury that such person is living: Provided always, that no such superannuation allowance for any such keeper, turnkey, or matron shall in any case exceed two-thirds of the annual salary to which such persons shall be entitled at the time of his or her superannuation, nor the proportions with reference to

the amount of the salary of any such keeper, turnkey, or matron, and the periods of their services respectively, which by 4 & 5 Will. 4. c. 24, are directed to be observed.

CCXVI. That nothing in this Act contained shall limit or affect the powers, duties, or authorities of grand juries to make presentments for any public work or for the raising of any public money for which they are now or hereafter may be authorized or required to make presentment by virtue and pursuant to the provisions of 1 & 2 Will. 4. c. 33, intituled, 'An Act for the Extension and Promotion of Public Works in Ireland,' or any other Act amending or altering the same; and wherever in and by the said recited or other Act grand juries are empowered to make presentments in order to obtain advances, loans, or grants from the Commissioners for the execution of the said recited or other Act for the purpose of any public work which under the laws in force at the time of the passing of such Act it was competent for grand juries to present, they are hereby authorized and empowered to make similar presentments in all respects and for like purposes for any public work which they are under the provisions of this Act authorized to present, and such presentments when made shall be dealt with by the said Commissioners in all respects as the presentments which grand juries were empowered to make in order to obtain advances, loans, or grants under the provisions of the said recited Act: Provided always, that no presentation shall be made for the purpose of obtaining any grant, loan, or advance of money from the Commissioners for the execution of the said recited or other Act, unless an application shall have been duly made and approved at the proper presentment Sessions in the manner hereinbefore appointed; and all works so applied for (except in the case of works to be constructed or executed under the direction of or by persons in the employment of the said Commissioners) shall be executed by contract made upon sealed tenders and proposals in the manner hereinbefore prescribed with respect to other public works to be executed by grand jury presentments; and in all other respects the said recited Act or Acts, and all powers, authorities, conditions, clauses, and regulations therein contained, shall be and remain in full force and effect, anything herein contained to the contrary notwithstanding.

CCXVII. That on the face of every presentment for the levying of any public money whatsoever, the year of the king's reign, and the chapter and section of the Act of Parliament (as printed by the King's printer) under which such presentment is authorized to be made and stated, shall be inserted; and every such presentment shall be entered in the county book and in all the schedules of presentment, with a marginal note of such Acts in manner aforesaid; and the title of the Act so referred to shall be inserted at the end of all such schedules, in default of which it shall not be lawful to present for printing the same; and all presentments not made according to the directions foregoing shall be null and void.

CCXVIII. That in cases where the cost of executing any public work shall exceed 20*l*. it shall be lawful for the grand jury, at the time of presenting for the work, to authorize the treasurer of the county, from and out of any funds in his hands applicable to the purpose, to advance from time to time during the execution of the work to the contractor, upon his application, any sum not exceeding in the whole three-fourths of the cost of such work; provided, that no such advances shall be made by such treasurer unless such application shall be accompanied by a certificate attached thereto, and signed by the county surveyor, that more than the sum applied for by such contractor, in addition to any previous advances made by him for such work, has been fairly and honestly expended upon it conformably to the contract.

CCXIX. That all contractors under this Act shall be liable to be summoned before the Justices assembled at any petty sessions on complaint of the party aggrieved for recovery of any wages or money payable to any person employed by them in the execution of such works, so as the sum demanded do not exceed 6*l*.; and such Justices assembled as aforesaid are hereby authorized and required to hear such complaint and adjudicate thereon; and it shall be no defence to such complaint that such contractor has not himself received any payment upon foot of his contract; and the decision of such Justices shall be final; and the sum adjudged to be due shall be levied by warrant of distress, under hand and seal of any two such Justices, off the goods and chattels of such contractor.

CCXX. That every person who may contract for the execution of any work under this Act shall, on the completion of the work for which he may have contracted, or whensoever by the terms of such contract he may be entitled to payment, give notice to the surveyor of the county, ten days at the least before the day appointed for the holding of the first presentment Sessions in the county after every assizes or presenting term, of his intention to make application as hereinafter provided, and require of such surveyor a certificate of the due execution of such work or performance of such contract; and such contractor shall lodge with the secretary of the grand jury, within the period hereinbefore limited for the lodgment of notices of applications for presentments for public works, a notice of his intention to apply for payment of the sum contracted for by him, together with such certificates to be obtained from the said surveyor; and the secretary to the grand jury shall arrange in like manner as he has been hereinbefore directed to arrange applications for presentments all such notices and certificates, and annex to each the number by which the contract in respect whereof such notice or certificate may be given is distinguished in the book of abstracts which such secretary has been hereinbefore directed to keep and indorse on such notice and certificate the date of the lodgment of the same; and such secretary shall lay all such notices and certificates, with an abstract thereof and index thereto, before the presentment Sessions to be holden for the barony or one of the baronies, or the county of a city or county of a town, in which such work shall have been executed; and the Justices and cess payers at such sessions shall examine into all such applications for payment on the part of such contractors, and inspect the notices thereof and the certificates aforesaid, and examine the surveyor or surveyors, and all other persons whom they may think it necessary to examine for the purpose of ascertaining the due execution of the work or matter contracted for, and shall therein have and exercise all such powers and authorities as in the case of applications for presentments, and in like manner determine and decide upon all such applications for payment by majority of votes; and the chairman at such sessions shall on every application which may be approved indorse the word "Allowed," and on every application which shall not be approved he shall indorse the word "Disallowed," and the reason of such disallowance, and a note of or reference to the particulars of the execution of the work which may have caused such disallowance; and all such applications, with the notices and certificates thereto belonging, shall be delivered to the secretary of the grand jury, to be laid before them at the next ensuing assizes, and such grand jury shall take such applications as have been approved into consideration, and allow or disallow the same according to their discretion; but it shall not be lawful for such grand jury or for the Court to allow any application which shall not have been approved of at

such sessions; and no such contractor shall be entitled to payment who shall not have given such notice and made such application, nor unless such application shall have been approved and allowed as aforesaid; anything in any contract contained, or any law or usage, to the contrary notwithstanding.

CCXXXI. That every person who may contract with any grand jury for any county, printing shall, instead of the certificate of the county surveyor, obtain a certificate from the clerk of the peace, the secretary of the grand jury, and the county treasurer, of the proper execution of such printing for their respective offices, and the performance of such contract; and such person shall lodge such certificate, and apply for payment of the sum contracted for by him, in all respects as hereinbefore provided as to contracts for public works, provided that such application may be made by himself alone.

CCXXXII. That it shall not be lawful for the treasurer of any county to pay any money which may be applied for by any contractor or other person, the application whereof has been traversed, unless such traverse shall be withdrawn, or judgment given for the defendant on the trial thereof.

CCXXXIII. That it shall be lawful for any person paying grand jury cess for any county to traverse any presentment made under this Act by the grand jury of any such county, and also to traverse the application of such contractor under this Act for payment, on the ground of such contractor not having complied with the terms of his agreement or with the provisions of this Act; and the Court at each assizes is hereby authorized and required to try the truth of the fact by a jury in the same manner as any traverse within the jurisdiction of the court ought to be tried; and it shall not be lawful for the clerk of the crown or clerk of the peace to take any fee for or in respect of such traverse, and costs shall be paid by the party against whom such traverse shall be found; provided that although there shall be a verdict against such traverse, yet if the Court shall be of opinion that there was reasonable and probable ground for traversing such presentment or the application of such contractor, the costs shall be paid by the treasurer of the county from and out of the county monies in his hands, and the grand jury shall present the same without previous application to presentment Sessions: Provided always, that every person intending to traverse any presentment or payment for which it is by this Act required that application shall be made at the presentment Sessions, shall give notice in writing of such intention to the secretary of the grand jury within two days after the first day of such sessions, and the same or any other presentment shall be traversed only at the assizes at which the presentment shall be made or payment required.

CCXXXIV. That it shall be lawful for any occupier or owner of the ground through which any new road is to be made or into which any old road is to be widened to traverse the presentment for the same for damages at such assizes as aforesaid, having given like notice to the chairman of the presenting Sessions and to the secretary of the grand jury, previous to the commencement of such assizes, of the amount of damage intended to be claimed, which traverse or traverses shall be tried then or at the ensuing assizes, upon the entry in the crown book of the presentment and traverse, without making up any record; and the jury which shall try such traverse shall be sworn true verdict to give whether any and what damages will occur thereby to the traverser, taking into consideration any collateral advantages which may result or accrue to such traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the grand jury to present, without previous application at presentment Sessions, such sum or sums of money so found for damages, to be raised off the county or off the barony respectively in which the traverser shall have made it appear that he or she sustained the damages, and to such latter presentment no traverse shall be allowed or received; and upon the damages so found being presented for the use of such traverser, or deposited for his or their use with the treasurer of the county, it shall be lawful for the contractor to proceed in the execution of the presentment without the interruption of any person.

CCXXXV. That from and after the commencement this Act, in all cases of maliciously or wantonly setting fire to, burning, or destroying any house, outhouse, or other building, or any haggard, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden with corn or other provisions, or of maliciously killing, maiming, boughing, or injuring any horse, mule, ass, or swine, or any horned cattle or sheep, or of maliciously damaging, injuring, or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work belonging to any person, public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the high constable of the barony and the churchwardens of the parish, and at the nearest police station, or, if there be no churchwarden, upon two of the principal inhabitants of the parish wherein such offence shall have been committed, within six days at least after the commission of the same, and shall lodge with the high constable or secretary of the grand jury, in like manner and time as applications for presentments for public works are hereinbefore directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured, or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender or offenders as may be known; and like notices shall be posted of such application as hereinbefore prescribed in cases of other applications to presentment Sessions; and such application shall be scheduled by the secretary of the grand jury, and by him dealt with in all respects as other applications under this Act; and the presentment Sessions shall examine into the serving and posting the notices of such application, and into the merits of the same, and the chairman shall indorse their opinion thereupon, and such secretary shall deliver such application so indorsed to the grand jury at the next assizes; and the said grand jury shall during the time appointed for transacting the fiscal business of the county examine into the matter of such application upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said grand jury shall on the consideration of the said matter either disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off the county at large, or such barony, parish, district, townland, or sub-denomination thereof as the grand jury shall direct.

CCXXXVI. That every application under this Act for compensation for loss or damage occasioned by any malicious injury as aforesaid shall be made at the next presentment Sessions which shall be holden after the commission of such offence in the barony, county of a city, or county of a town where the same shall have been committed, unless any such malicious injury shall

have been done after the day appointed for holding the first presentment Sessions after the assizes for the county in which such injury shall have been done, or so near the day of holding the same that such application for compensation cannot be duly lodged as hereinbefore directed, in either of which cases the person or persons so injured shall make such application at the presentment Sessions which shall be holden next but one after the time of the commission of such offence for the barony, county of a city, or county of a town where the same shall have been committed, and the notices of such application shall be posted accordingly; and it shall not be lawful for any grand jury to make any presentment for compensation for malicious injury under the provisions of this Act, except at the assizes next ensuing to the sessions where application shall have been made therefor.

CXXXVII. That every person or persons who shall, under the provisions of this Act, apply for compensation for any loss or damage occasioned by malicious injury as aforesaid, shall within three days after the commission of the said injury, unless prevented by illness or other sufficient cause, give in his, her, or their examination upon oath, or that examination upon oath shall be given by his, her, or their servant or servants who had the care of his, her, or their property so injured, before some Justice of the Peace, of the county where such injury shall have been committed, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them, and in such case such examiner or examiners shall be bound by recognizance to prosecute such offender or offenders by indictment or otherwise according to the laws of this kingdom.

CXXXVIII. That all such applications whatsoever for compensation for loss or damage sustained by malicious injury shall be laid by the acting clerk of the crown before the Judge of Assize upon his arrival; and in case any person paying grand jury cess for the county or barony chargeable with the sum presented by the grand jury upon any such applications shall be desirous of opposing any such presentment, or in case any person whose application for compensation shall have been disallowed by the grand jury shall wish to have his or their application reconsidered, such cess payer or person or persons applying for compensation shall be heard; and in either of such cases the Judge, if he shall so think fit, shall direct a jury to be forthwith impanelled to try the matter of such presentment or application respectively, and according as the issue shall be found for or against such cess payer, the Judge shall discharge, alter, or stay such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the Judge shall direct the grand jury to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries impanelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said Judge to award by rule for that purpose costs to the parties for whom the issue shall be found against the other party or parties respectively in any sum not exceeding 10*l.* sterling; and the said Judge is hereby empowered to direct and issue forthwith an order or orders in the nature of execution against such last-mentioned party or parties respectively, which said order or orders the sheriff of such county is hereby required to execute in the same manner as in cases of executions against the chattels and effects of defendants.

CXXXIX. That no presentment for compensation for loss or damage as aforesaid shall at any time be removed by certiorari; nor shall any such presentment be at any time quashed for any informality, imperfection, or defect in form whatsoever; and no traverse save as aforesaid shall be allowed or received to any such presentment; nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury, for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act, be brought or prosecuted against any chief or other Magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

CXL. That in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the dioceses of one mile of the boundary of any two or more counties, the person or persons who shall sustain such injury may apply for compensation, in the manner hereinbefore directed, in either or any one of such neighbouring counties; and all proceedings shall be taken thereupon as hereinbefore provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the Judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such presentment shall thereupon be diminished, or presentment made, according to the proportion which the said Judge shall direct to be paid by such county; and the grand jury or grand juries of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such Judge declaring the proportion to be paid by such county or counties, to present such proportion when the same shall exceed 100*l.* to be raised off the county at large, and if such proportion shall be under 100*l.* to be raised off the barony or baronies in or near to which such injury shall be alleged to be committed, and paid to the person or persons so applying, as the case may require.

CXLI. That no fee shall be demanded from or paid by any such cess payer or person applying to the clerk of the crown, Judge's clerk, or jury, for any matter or thing relating to any such application, presentment, or trial.

CXLII. That the clerk of the crown of every county in Ireland shall, within seven days after every assizes, deliver to the treasurer of such county, without a fee or reward, a copy, attested upon oath and signed by himself, of all presentments which shall have been made and filed at the preceding assizes, and likewise copies of all queries discharged and remaining undischarged, distinguishing the same; and such treasurer shall, within thirty days after the receipt thereof, cause a number of copies of such presentments and queries, and also a detailed abstract of his accounts, to be printed and distributed as the grand jury shall direct; and it shall and may be lawful for the grand jury at each assizes to present, to be levied off the county, such sum as shall be necessary for defraying the expense of printing and distributing such copies, and also to present all such sum or sums of money as shall be necessary to defray the expense of printing the treasurer's account, and all copies of schedules of applications, and other printing required under the provisions of this Act, or which may be ordered by the Judge of Assize, or grand jury, or presentment Sessions, for any county purpose.

such sessions; and no such contractor shall be entitled to payment who shall not have given such notice and made such application, nor unless such application shall have been approved and allowed as aforesaid; anything in any contract contained, or any law or usage, to the contrary notwithstanding.

CCXXI. That every person who may contract with any grand jury for any county, printing shall, instead of the certificate of the county surveyor, obtain a certificate from the clerk of the peace, the secretary of the grand jury, and the county treasurer, of the proper execution of such printing for their respective offices, and the performance of such contract; and such person shall lodge such certificate, and apply for payment of the sum contracted for by him, in all respects as hereinbefore provided as to contracts for public works, provided that such application may be made by himself alone.

CCXXII. That it shall not be lawful for the treasurer of any county to pay any money which may be applied for by any contractor or other person, the application whereof has been traversed, unless such traverse shall be withdrawn, or judgment given for the defendant on the trial thereof.

CCXXIII. That it shall be lawful for any person paying grand jury cess for any county to traverse any presentment made under this Act by the grand jury of any such county, and also to traverse the application of such contractor under this Act for payment, on the ground of such contractor not having complied with the terms of his agreement or with the provisions of this Act; and the Court at each assizes is hereby authorized and required to try the truth of the fact by a jury in the same manner as any traverse within the jurisdiction of the court ought to be tried; and it shall not be lawful for the clerk of the crown or clerk of the peace to take any fee for or in respect of such traverse, and costs shall be paid by the party against whom such traverse shall be found; provided that although there shall be a verdict against such traverse, yet if the Court shall be of opinion that there was reasonable and probable ground for traversing such presentment or the application of such contractor, the costs shall be paid by the treasurer of the county from and out of the county monies in his hands, and the grand jury shall present the same without previous application to presentment Sessions: Provided always, that every person intending to traverse any presentment or payment for which it is by this Act required that application shall be made at the presentment Sessions, shall give notice in writing of such intention to the secretary of the grand jury within two days after the first day of such sessions, and the same or any other presentment shall be traversed only at the assizes at which the presentment shall be made or payment required.

CCXXIV. That it shall be lawful for any occupier or owner of the ground through which any new road is to be made or into which any old road is to be widened to traverse the presentment for the same for damages at such assizes as aforesaid, having given like notice to the chairman of the presenting Sessions and to the secretary of the grand jury, previous to the commencement of such assizes, of the amount of damage intended to be claimed, which traverse or traverses shall be tried then or at the ensuing assizes, upon the entry in the crown book of the presentment and traverse, without making up any record; and the jury which shall try such traverse shall be sworn true verdict to give whether any and what damages will occur thereby to the traverser, taking into consideration any collateral advantages which may result or accrue to such traverser by reason thereof, and making abatement accordingly; and it shall be lawful for the grand jury to present, without previous application at presentment Sessions, such sum or sums of money so found for damages, to be raised off the county or off the barony respectively in which the traverser shall have made it appear that he or she sustained the damages, and to such latter presentment no traverse shall be allowed or received; and upon the damages so found being presented for the use of such traverser, or deposited for his or their use with the treasurer of the county, it shall be lawful for the contractor to proceed in the execution of the presentment without the interruption of any person.

CCXXV. That from and after the commencement this Act, in all cases of maliciously or wantonly setting fire to, burning, or destroying any house, outhouse, or other building, or any haggard, corn, hay, straw, or turf, or of maliciously setting fire to, burning, or sinking any boat or barge laden with corn or other provisions, or of maliciously killing, maiming, boughing, or injuring any horse, mule, ass, or swine, or any horned cattle or sheep, or of maliciously damaging, injuring, or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work belonging to any person, public canal or navigation, any person or persons injured by any such offence, and intending to apply for compensation for any loss or damage sustained thereby, shall serve notice in writing of such injury and of such his or their intention upon the high constable of the barony and the churchwardens of the parish, and at the nearest police station, or, if there be no churchwarden, upon two of the principal inhabitants of the parish wherein such offence shall have been committed, within six days at least after the commission of the same, and shall lodge with the high constable or secretary of the grand jury, in like manner and time as applications for presentments for public works are hereinbefore directed to be lodged, an application setting forth the loss or damage occasioned by such offence, and stating the time and place when and where such injury was done, the particular property consumed, injured, or destroyed, and the amount of damage thereby sustained, and by what number of persons, and whom, by name and description, such injury was done, if such offender or offenders shall be known, and if not, stating such particulars respecting such offender or offenders as may be known; and like notices shall be posted of such application as hereinbefore prescribed in cases of other applications to presentment Sessions; and such application shall be scheduled by the secretary of the grand jury, and by him dealt with in all respects as other applications under this Act; and the presentment Sessions shall examine into the serving and posting the notices of such application, and into the merits of the same, and the chairman shall indorse their opinion thereupon, and such secretary shall deliver such application so indorsed to the grand jury at the next assizes; and the said grand jury shall during the time appointed for transacting the fiscal business of the county examine into the matter of such application upon the oath of the party injured, or such other evidence as can be produced touching the said offence; and the said grand jury shall on the consideration of the said matter either disallow such application altogether, or present such sum or sums of money as the person or persons so injured ought to receive for such injury or damage, to be levied off the county at large, or such barony, parish, district, townland, or sub-denomination thereof as the grand jury shall direct.

CCXXVI. That every application under this Act for compensation for loss or damage occasioned by any malicious injury as aforesaid shall be made at the next presentment Sessions which shall be holden after the commission of such offence in the barony, county of a city, or county of a town where the same shall have been committed, unless any such malicious injury shall

have been done after the day appointed for holding the first presentment Sessions after the assizes for the county in which such injury shall have been done, or so near the day of holding the same that such application for compensation cannot be duly lodged as hereinbefore directed, in either of which cases the person or persons so injured shall make such application at the presentment Sessions which shall be holden next but one after the time of the commission of such offence for the barony, county of a city, or county of a town where the same shall have been committed, and the notices of such application shall be posted accordingly; and it shall not be lawful for any grand jury to make any presentment for compensation for malicious injury under the provisions of this Act, except at the assizes next ensuing to the sessions where application shall have been made therefor.

CXXXVII. That every person or persons who shall, under the provisions of this Act, apply for compensation for any loss or damage occasioned by malicious injury as aforesaid, shall within three days after the commission of the said injury, unless prevented by illness or other sufficient cause, give in his, her, or their examination upon oath, or that examination upon oath shall be given by his, her, or their servant or servants who had the care of his, her, or their property so injured, before some Justice of the Peace, of the county where such injury shall have been committed, thereby specifying whether he, she, or they do know the person or persons who committed the said injury, or any of them, and in such case such examiner or examiners shall be bound by recognizance to prosecute such offender or offenders by indictment or otherwise according to the laws of this kingdom.

CXXXVIII. That all such applications whatsoever for compensation for loss or damage sustained by malicious injury shall be laid by the acting clerk of the crown before the Judge of Assize upon his arrival; and in case any person paying grand jury cess for the county or barony chargeable with the sum presented by the grand jury upon any such applications shall be desirous of opposing any such presentment, or in case any person whose application for compensation shall have been disallowed by the grand jury shall wish to have his or their application reconsidered, such cess payer or person or persons applying for compensation shall be heard; and in either of such cases the Judge, if he shall so think fit, shall direct a jury to be forthwith impanelled to try the matter of such presentment or application respectively, and according as the issue shall be found for or against such cess payer, the Judge shall discharge, alter, or fiat such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the Judge shall direct the grand jury to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries impanelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and it shall be lawful for the said Judge to award by rule for that purpose costs to the parties for whom the issue shall be found against the other party or parties respectively in any sum not exceeding 10*l.* sterling; and the said Judge is hereby empowered to direct and issue forthwith an order or orders in the nature of execution against such last-mentioned party or parties respectively, which said order or orders the sheriff of such county is hereby required to execute in the same manner as in cases of executions against the chattels and effects of defendants.

CXXXIX. That no presentment for compensation for loss or damage as aforesaid shall at any time be removed by certiorari; nor shall any such presentment be at any time quashed for any informality, imperfection, or defect in form whatsoever; and no traverse save as aforesaid shall be allowed or received to any such presentment; nor shall any action or suit for the recovery of any satisfaction or damages sustained by reason of any injury, for which the person or persons injured thereby may be entitled to apply for compensation under the provisions of this Act, be brought or prosecuted against any chief or other Magistrate, or any inhabitant or inhabitants of any parish, or other person or persons whatsoever, any Act or Acts now or heretofore in force in Ireland to the contrary notwithstanding.

CXL. That in case such burning or other malicious injury as aforesaid shall be committed on the verge or within the distances of one mile of the boundary of any two or more counties, the person or persons who shall sustain such injury may apply for compensation, in the manner hereinbefore directed, in either or any one of such neighbouring counties; and all proceedings shall be taken thereupon as hereinbefore provided with respect to other applications for damages for malicious injury; and in case any sum or sums of money shall be presented by the grand jury of the county where such application shall be made, or shall be finally awarded by the verdict of any jury, as and for compensation to the person or persons applying as aforesaid, the Judge at the assizes of such county shall have power and authority to apportion the amount of such compensation amongst such neighbouring counties, and shall direct the proportion of the same which shall be paid by them respectively, and shall certify the same accordingly; and such presentment shall thereupon be diminished, or presentment made, according to the proportion which the said Judge shall direct to be paid by such county; and the grand jury or grand juries of the said other neighbouring county or counties respectively shall and they are hereby required, on the production of the certificate of such Judge declaring the proportion to be paid by such county or counties, to present such proportion when the same shall exceed 100*l.* to be raised off the county at large, and if such proportion shall be under 100*l.* to be raised off the barony or baronies in or near to which such injury shall be alleged to be committed, and paid to the person or persons so applying, as the case may require.

CXLI. That no fee shall be demanded from or paid by any such cess payer or person applying to the clerk of the crown, Judge's clerk, or jury, for any matter or thing relating to any such application, presentment, or trial.

CXLII. That the clerk of the crown of every county in Ireland shall, within seven days after every assizes, deliver to the treasurer of such county, without a fee or reward, a copy, attested upon oath and signed by himself, of all presentments which shall have been made and stated at the preceding assizes, and likewise copies of all queries discharged and remaining undischarged, distinguishing the same; and such treasurer shall, within thirty days after the receipt thereof, cause a number of copies of such presentments and queries, and also a detailed abstract of his accounts, to be printed and distributed as the grand jury shall direct; and it shall and may be lawful for the grand jury at each assizes to present, to be levied off the county, such sum as shall be necessary for defraying the expense of printing and distributing such copies, and also to present all such sum or sums of money as shall be necessary to defray the expense of printing the treasurer's account, and all copies of schedules of applications, and other printing required under the provisions of this Act, or which may be ordered by the Judge of Assize, or grand jury, or presentment Sessions, for any county purpose.

CXLIII. That the treasurer of each grand jury, in the preparation of all printed lists of presentments granted by each grand jury, shall place in a separate page of such lists the several sums of money which shall have been presented by such grand jury under the laws now in force, under which it is imperative on such grand jury to make presentments for various public services; and the amount of all sums in such lists shall be totted up at the foot of each column.

CXLIV. That the treasurer of every county in Ireland shall, on or before the twenty-fifth day of December in each and every year, cause a true copy, signed by himself, of all presentments which shall have been made by the grand jury and filed by the Court at any assizes or presenting term in such year for the county whereof he is treasurer to be forwarded to the secretary of the Lord Lieutenant, to be by him laid before Parliament; and in case any treasurer of any county shall neglect to make such return as aforesaid he shall forfeit his office.

CXLV. That it shall be lawful for any grand jury to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any denomination, barony, or county of a city or town, to be raised and levied on such denomination, barony, county of a city or town, upon which the same was originally required by the treasurer's warrant to be levied; and to present all such sums of money which shall have hitherto been or which shall at any time hereafter remain unpaid on account of the absconding or insolvency of any county treasurer, collector, or other person empowered to receive or collect public money, who is or shall be insolvent, to be raised and levied either upon the county or upon the barony in which the same was before levied, as they shall think fit, which sums shall be levied in the same manner, and subject to the same rules, regulations, provisions, and powers, as any money to be levied by virtue of this Act is to be subject; and in case any money so detained or secreted by any collector, treasurer, or other person empowered to collect or receive public money shall be thereafter recovered, it shall be paid to the then treasurer; and such money so paid, and any balance, arrears of, or surplus on the salary of any county officer, and all other such like surplus and balances of money raised by authority of this Act, or which may anyhow arise in the hands of any county treasurer, shall be applicable to defray the expenses of any public work or any county charge whatsoever which the grand jury are authorized to present under the provisions of this Act, and shall be presented by the grand jury for such of the said purposes as to them shall seem expedient; provided always, that such sum shall be applied to the credit of any county or barony off which it was originally levied; and provided further, that before it shall be lawful for any grand jury to re-present any sum of money as unpaid or in arrear out of any county or barony or denomination, to be raised and levied on such county or barony or denomination, it shall be made to appear, by affidavit of the collector, to such grand jury that such sum is actually in arrear and unpaid by such county or barony or denomination respectively, and that it could not have been levied from the persons or out of the lands charged with or liable to pay the same.

CXLVI. That whenever any sum shall have been presented for any work which shall not be executed within the time or according to the terms prescribed by the contract for executing the same, it shall be applied in such manner and under such direction as the grand jury shall appoint, for the purpose of executing or completing such works, and shall be accounted for by such person so appointed to apply the same.

CXLVII. That the grand jury of each county shall at each assizes appoint a proper person, resident in the barony or half barony or baronies, not being a Magistrate or attorney, to be high constable and collector for each barony in such county, to collect all money which shall be presented to be raised on such barony or any parish or townland therein, and also such barony's proportion of the money to be presented to be raised on the county at large; and every such high constable shall have all power and authority and shall exercise and perform all duties now or hereafter to be by law required of any high constable; and the grand jury of each county of a city or county of a town shall at each assizes appoint a proper person or persons to be collector or collectors for such county of a city or county of a town, to collect all money which shall be presented to be raised on such county of a city or county of a town, or on any parish or district thereof: Provided always, that if any such high constable or collector shall happen to die before he shall have collected the whole of the money presented to be raised as aforesaid on such barony, county of a city, or county of a town for which he shall be high constable or collector, or if any case of vacancy should occur, it shall be lawful for the Justices of the Peace for the said county, at any General Quarter Sessions of the Peace or adjournment thereof, to appoint another fit and proper person to be high constable or collector *pro tempore*, until a high constable or collector shall be appointed by the grand jury of such county, county of a city, or county of a town as aforesaid.

CXLVIII. That no person shall act as high constable or collector unless he shall have given security at the assizes before the grand jury by whom he shall have been appointed, or before the Justices of the Peace at the sessions if such high constable or collector shall have been appointed at sessions, by two sufficient sureties joining with him in executing a bond and warrant of attorney, without stamp, to confess judgment to the treasurer of the county, conditioned for his duly collecting and paying to such treasurer on or before the first day of the next assizes all such public money as he is or shall be required by him to collect; and on his producing to the grand jury the treasurer's certificate of his having paid the same to the treasurer, pursuant to such recognizance, it shall be lawful for the grand jury to present without previous application to presentment any sum exceeding 9d. in the pound on the amount of the collection to be paid to such high constable or collector. Provided always, that no presentment for such poundage shall be made by any grand jury or by the treasurer's warrant under which such high constable or collector has levied such public money, nor unless such high constable or collector and their deputies respectively shall have sworn before the grand jury that such public money has been fairly and impartially levied, and that no more money shall be levied by him or them, or by any deputy or assistants, than is contained in the said warrant, with the customary collector's fee, has been collected, to the best of his ability; and that such high constable and collector as aforesaid may, by writing under his hand and seal, certify to the Justices of the Peace, for whom he shall be answerable, to assist him in collecting the public money, that he has duly collected the same, and entered thereon shall vest in and may be used for by the treasurer for the discharge of his duties, and that he has not received any proceedings of any former treasurer on filing a suggestion stating his appointment to the Court in which such proceeding may be pending that he is the act.

CXLIX. That the treasurer of each county shall within one month after the assizes, issue his warrants for the recovery of the presentments of the preceding assizes, issue his warrants

Act, use to be the collectors for levying and collecting the sums to be raised off each barony or county of a city or town; which same every collector to whom such warrant is directed is hereby empowered and required to raise and levy, and to pay the amount to the treasurer two days before the first day of the next assizes; and in every such treasurer's warrant shall be inserted the names of the several manors, parishes, or denominations contained in that portion of the county which such person is to collect from as the same is contained in the county books, barony books, and applotment tables, and also the whole sum to be collected by such person, and the portion thereof which each manor, parish, or denomination is to pay, according to its contents in the said books and tables, or as it has been usually rated at; and every such warrant of every such treasurer shall be and remain in full force and effect for the term of two years next after the date thereof, notwithstanding the resignation or removal of the person to whom it was originally addressed, unless the sums required by such warrant to be levied shall have been received, or unless the grand jury of the county shall have re-presented the same.

CL. That nothing herein contained shall extend or be construed to extend to repeal 7 Geo. 4. c. 62, or any Act or Acts altering or amending the same, or any Act passed or to be passed in this present session of Parliament consolidating and amending such Acts, but that so soon as the list and valuation by the said Acts or any of them directed to be made shall be completed and published in form and manner therein prescribed, all county cess charges whatsoever and all grand jury rate imposed or to be imposed on any county by presentments of the grand jury, or to be raised off any county, or any barony, parish or division thereof, and all parish rates imposed or to be imposed or levied or to be levied under the authority of this or any other Act or Acts, shall be assessed and levied according to the proportions specified in such list and valuation so published, anything in this Act contained to the contrary notwithstanding.

CLII. That every person authorized to collect and receive grand jury cess shall, within ten days after he shall have received the treasurer's warrant empowering him to collect and receive the same, deliver or send to the seneschal or churchwardens of each manor, parish, or denomination of land contained in such warrant, or in case there be no seneschal or churchwarden of the same, then to any principal residing inhabitant, if he shall be required so to do by any two landholders of any such manor, parish, or denomination of land, or if he shall deem it necessary so to do, an account in writing, signed by himself, of the sum he is required by the said warrant to levy upon the said manor, parish, or denomination, and to desire that the said sum may be applotted thereon; and every person who shall receive such account is hereby required, under the penalty of 10*l.*, to be recovered by civil bill by any person who shall sue for the same, to post up, within six days after the receipt thereof, on the door of the church, or the usual place for posting notices in said manor, parish, or denomination, a notice, signed by himself, setting forth that the landholders and inhabitants of [here insert name of manor, &c.] are hereby required to meet at [place of meeting] on the [here insert a day not less than ten days or more than twenty from the date of such notice], to choose two or more persons to applot the sum of [here insert the sum] required to be levied upon such manor, parish, or denomination, by the warrant of the treasurer of the county; and at such meeting the landholders and inhabitants then present shall choose two or more persons to be applotters; and the persons so chosen shall, within thirty days from the time they shall be so chosen, applot the sum so to be levied upon such manor, parish, or denomination, fairly and justly, according to the relative annual value of the several subdivisions of the lands and tenements therein contained, stating as accurately as they can the name of the occupier of each portion of such lands, and shall make oath before any Justice of the Peace for such county that they have made the said applotment justly, according to the best of their skill, without favour, affection, or malice, the jurat of which oath shall be indorsed on the applotment; and such applotters shall deliver such applotment so verified upon oath to the person empowered to collect such grand jury cess, under the penalty of forfeiting for every day they shall omit to deliver the same after the said thirty days the sum of 10*s.*, to be recovered by civil bill by any person who shall sue for the same; and the collector, on receiving such full and sufficient applotment, is hereby required and authorized to levy the said money according thereto; and in case no full and sufficient applotment shall be returned within thirty-six days after the time fixed for the appointment of the applotters, then in such case it shall be lawful for such collector to levy the full sum required by the treasurer's warrant off such manor, parish, or denomination, according to or in the like proportions as the sum levied under the last previous applotment of such manor, parish, or denomination, or according to the rate or applotment pursuant to which it was paid or levied.

CLIII. That every person duly authorized to collect and levy any grand jury cess off any barony, county of a city, or county of a town, as soon as he shall have received the applotment of such cess, shall collect and levy the same according to such applotment, and such money may be levied by distress and sale of any goods and chattels of every person refusing to pay the proportion therein applotted for him or her to pay, which may be found on the premises chargeable, rendering to the owner the overplus, if any, after deducting the expenses of distraining, not exceeding 12*d.* in the pound on the sum for which such distress may have been made; or in case the collector shall not think it expedient to proceed by distress, then and in such case such collector shall leave at the dwelling house of the party chargeable for or in respect of such premises a notice bearing date the day and year of serving the same, subscribed with the name and abode of such collector, requiring payment of the sum applotted within six days from the date of such notice, and expressing that within six days the money demanded may be paid to the collector at his house or office; and if such money be not so paid within such time, then it shall be lawful for such collector to prefer a complaint to any Justice of the Peace for the county in which the party may reside, and such Justice shall summon the party so complained against to appear before him and answer the said complaint, and shall at the time specified in such summons examine into the matter of such complaint on oath (which oath the Justice is hereby empowered to administer), and shall direct the payment to such collector of such money as he shall find due and payable under such applotment by the party complained against, together with a sum certain as and for such reasonable costs and charges as to such Justice shall seem meet; and in default of the appearance of such party, or upon his or her refusal or neglect forthwith to pay the sum or sums so by such Justice directed to be paid, it shall and may be lawful for such Justice, or for any Justice of the Peace for such county, to issue his warrant authorizing and empowering the said collector to levy the money thereby ordered to be paid by distress and sale of any goods or chattels of the party so complained against which may be found within any part of such county, rendering the overplus, if any, to him or her, the necessary charges and expenses of distraining being thereout first deducted, as directed by such Justice; and if sufficient distress cannot be found within the same county, then on oath thereof made before any Justice of the Peace of any other county in which any of the goods and chattels of such party shall be found, (which oath such Justice shall administer and certify by indorsing in his handwriting his name on th-

warrant granted to make such distress,) the goods or chattels of such party so refusing or neglecting to pay as aforesaid shall be subject and liable to such distress and sale in such other county where the same may be found, and may by virtue of such warrant and certificate be distrained and sold in the same manner as if the same had been found within such first-mentioned county.

CLIII. That the sum or proportion of grand jury cess to be raised off each barony or county of a city or town under the treasurer's warrant, duly apportioned for any person to pay, shall be a charge upon the lands and premises mentioned in such warrant and apportionment, and shall be paid and payable by the person or persons occupying the premises respectively at the time such cess is levied thereout, although such person or persons did not occupy the same at the time such cess was imposed, and, when the sum payable by any person or persons does not exceed 50l., may be sued for by civil bill in the name of the collector before the assistant barrister having jurisdiction to hear and determine causes by civil bill in the county, place, or district in which the person liable to pay the sum resides.

And after noticing that doubts have been entertained as to the power of the grand jury of the county of Kilkenny to present any public work to be executed either wholly or in part within the town or liberties of Callan, or any money to be raised for such public work or any public work or other purposes for which a grand jury may lawfully present, out of the premises situated within such town or liberties, and also as to the powers of the treasurer of the said county to include said town or liberties in his warrant;—

It is Enacted,

CLIV. That it shall and may be lawful for the grand jury of the county of Kilkenny to present that any public works which it shall be deemed necessary to execute within such town or liberties shall be executed, and such town and liberties shall for every purpose connected with the execution of any public work, or a presentment for raising money, or for any other matter or thing which any grand jury under this or any other Act hereafter to be passed shall have power to present, be deemed and taken to be a barony in and of the said county of Kilkenny; and such town and liberties shall, until a valuation thereof shall be made under some Act for the valuation of lands and premises in Ireland, be deemed to contain 3,600 acres, and shall according to such acreable contents be liable to and bear its proportion of any public rate or charge on the said county.

CLV. That it shall be lawful for the treasurer of any county for the time being to effect a policy or policies of insurance against fire on any public building or other public property which he shall be directed by the grand jury to insure, and for such sum as he shall be so directed; and such policy shall vest in the treasurer for the time being, and the sum thereby secured shall be payable to him as part of the public fund of such county, and shall be applied to public purposes from time to time as the grand jury shall direct by any presentment sanctioned and approved of by the Judges of Assize at the assizes at which such presentment may be made; and the grand jury shall have the power, without any previous application at the Sessions, and are hereby required, to present, to be levied off the county at large, the premium and other charges payable on such policy, and for continuing the same, and the treasurer shall from time to time pay such premium.

CLVI. That the drivers of every kind and species of vehicle, and all persons riding or driving any animal or animals, laden or unladen, on any road, or in any street of any city or town in Ireland, shall keep their left-hand side of the road or street in going and coming thereon, leaving the other side free to all other passengers; and when they may have occasion to pass any other persons going in the same direction with themselves shall in all cases where it is practicable take and go on the right-hand of such persons; and on every cart, car, or other carriage without springs, on any road upon which His Majesty's mails are conveyed in coaches, or any other road being a county road, the name and surname and residence of the owner of such vehicle shall be painted in white roman letters, one inch long at the least; and every car or cart drawn by one horse shall have a double rein extending back to such car or cart; and if any person shall wilfully refuse or neglect to drive or pass in manner aforesaid, or if any person shall drive any vehicle on any such road whereon the name of the owner is not painted, or without a double rein as aforesaid, it shall and may be lawful for any magistrate, constable, or turnpike keeper to stop and detain such offender and the vehicle and animal or animals on which or with which such offender shall be, and forthwith to carry or convey such offender before any Justice of the Peace for the county where such offence shall be committed, or for any person whatsoever to lodge information against such offender before any such Justice; and upon being convicted thereof upon the oath of one credible witness, every such person so offending shall forfeit and pay any sum not exceeding 5s., to be levied by distress and sale of the goods and chattels of such offender, or by distress and sale of the carriage and horse or horses or other beasts, and the goods therein or thereon, wherewith such offender shall have been travelling at the time of such offence, such distress to be made under the hand and seal of such Justice, rendering the overplus (if any), after deducting the said fine and expenses of such distress and sale, to the owner or owners, on demand; one-half of the amount of the penalties as levied to be paid to the informer, and the remaining half to the minister or curate of the parish in which such offence shall be committed, for the use of the poor of such parish; and if distress sufficient for such penalty or penalties shall not have been seized or found, it shall and may be lawful for such Justice, and he is hereby empowered and required, to commit such offender so convicted to the common gaol for any time not exceeding one calendar month, unless such offender shall sooner pay and satisfy the said penalty or penalties; and every person offending as aforesaid shall likewise be liable to pay and satisfy the damages which shall happen in consequence of any such neglect or default as aforesaid.

CLVII. That no house or part of a house shall be built within thirty feet of the centre of any road, or within fifteen feet of the side thereof (except in the streets of corporate or market towns): and that if any person shall offend herein, every such person shall upon conviction before any Justice of the Peace forfeit and pay the sum of 10l., and the further sum of 20s. for every week after such conviction until the same shall be pulled down or removed; and no limekiln or windmill shall be built within one hundred feet of the centre of any public road; and it shall be lawful for any Justices at a General Sessions of the Peace to direct any house, limekiln, or windmill built or building contrary to this Act to be pulled down, and to issue their orders to any constable or constables for that purpose, which order every chief and other constable shall aid and assist in executing; and the centre of the road for the purposes of this Act shall be deemed to be the centre of the part thereof made with gravel or small stones.

CLVIII. That it shall be lawful for any person whatsoever to seize and impound, or cause to be seized or impounded, any swine or beast which shall be found wandering upon any public road, or about the streets or passages of any town, in case the owner thereof shall not be known; and it shall be lawful for any Justice of the Peace to fine the owner of such swine or beast any sum not exceeding 2s., and in case such penalty, and the expenses of impounding and detaining the same when it shall be so impounded, shall not be paid within four days after imposing such fine or after impounding the same, to cause such swine or beast to be sold, and out of the money arising from the sale thereof to pay such penalty, and expenses of impounding, keeping, and selling the same, rendering the overplus (if any) to the owner, due notice having been previously given of such sale, in which shall be inserted the name of the parish and townland where such swine or beast was seized, which notice shall be posted up in some conspicuous place in the parish where such beast was seized, and at the place where impounded, forty-eight hours at the least before the time of sale.

CLIX. That if any person shall scour, deepen, widen, or fill up any ditch or drain on the side of any road without the consent or direction of the county surveyor; or if the owner or occupier of any lands contiguous to any public road shall omit to scour any ditch or drain leading from such road, so as to allow the water to pass away, within ten days after notice shall be given to him or her so to do by such surveyor or by the contractor for the repairs of such road, or shall suffer the passage of the water to be obstructed by making or leaving any way or passage from any road into the lands adjoining to his or her house without a sufficient pipe, sewer, or gullet underneath it; or if any person shall ride or drive any horse, beast, or cattle of any description willingly and unnecessarily on any footpath; or shall steep or dry any flax, or burn any bricks or lime, or any weeds or vegetables for ashes, upon any public road, or within thirty feet of the centre of any such public road; or shall make any kind of fire upon any public road; or shall cut any turf or make any turf stack on any public road, or within thirty feet of the centre thereof; or build any wall, or make any ditch, or dig any pit or drain, on any public road, or within thirty feet of the centre thereof, unless by authority of a presentment; or shall lay any dirt, dung, turf, straw, rubbish, or scourings of any ditches or drains, or any stones, bricks, timber, sand, clay, or lime, on any public road, or within thirty feet of the centre thereof; or shall leave on any public road any plough or harrow, or any cart, car, dray or other carriage, without the horse or horses or other beast or beasts being harnessed thereto, unless such carriage shall have been accidentally broken down there; or shall spread any linen, blanket, or cloth for winnowing corn within thirty feet of the centre of any public road; or shall leave any dead beast on any road, or within thirty feet of the centre thereof, unless in a house or yard inclosed with walls; or shall beat any flax, or thrash or winnow any corn, or erect any may-pole or may-bush or sign-post, on any road; or shall keep any cur, dog, mastiff, or bull dog, without having a block of wood of the weight of five pounds at the least fastened to the neck of such dog, within fifty yards of any public road; or shall, without the consent of such surveyor or contractor, scrape any public road, or cut any sods or turf on the side of any such road, or take any earth, clay, stone, or gravel therefrom; or shall lead or drive any car or carriage with timber, boards, or iron laid across, so as that either end shall project two feet beyond the wheels or sides thereof; or shall draw any timber or stones along any part of a public road, without being supported by wheels from touching the same; every person so offending shall, upon conviction by oath of one credible witness, before any Justice of the Peace within his jurisdiction, or upon the view of any Justice, forfeit and pay a sum not exceeding 20s. for every such offence; and it shall be lawful for any such surveyor or contractor to fill up any ditch or drain which shall be scoured, deepened, or widened, or to scour any drains which have been filled on the side of any road, without such direction or consent, and to scour or deepen any drain or ditch leading from any road which shall be omitted to be scoured or deepened after such notice as aforesaid, and to remove any way or passage from any road into any adjoining land or to any house which may obstruct the free passage of the water, and to remake the same by building a gutter, sewer, or arch therein; and it shall be lawful for any such surveyor, or for any other person by the order of any Justice of the Peace or any such surveyor, to remove any bricks, or weeds or vegetables for making ashes, or other materials, which shall be burning, or any flax which shall be steeped or drying, contrary to the provisions of this Act, and to pull down any sign-post, may-pole, or may-bush, and to pull down or fill up and level any wall, drain, or ditch which shall be built or made or begun to be built or made contrary to this Act, and to remove the carcase of any dead beast which shall remain in or near any public road contrary to this Act, and to levy the expense of so doing by distress and sale of the goods of the offender, or of the occupier of the lands adjoining the place where such nuisance shall be committed, rendering the overplus (if any) to the owner, after deducting the sum of 1s. in the pound for the expense and trouble of taking such distress.

CLX. That nothing hereinbefore contained shall render any county surveyor, or any contractor for any public work under this Act, liable to any penalty for any act done or performed by the said surveyor or in the discharge of the duties of his office, or by any such contractor in the due and necessary execution or performance of his contract; but if any such surveyor or contractor shall lay or cause to be laid any heap of stones, gravel, rubbish, or other matter whatever upon any public road, and allow the same to remain there at night, to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said surveyor or contractor to prevent any such danger or damage, such surveyor or contractor shall forfeit for every such offence any sum not exceeding 40s.

CLXI. That if any county surveyor or contractor for the repairing of any public road in any county shall think that such road is prejudiced by the shade of any hedges or trees (except those planted for ornament or shelter of any dwelling house, court yard, or garden), or if any obstruction is caused in any public road by any hedge or tree, it shall be lawful for such surveyor or contractor, and they are hereby each or either of them authorized, to require the owner of the land on which such hedges or trees are growing to cause such hedges to be cut or plashed, or such trees to be pruned or lopped, so as that such road may not be prejudiced or kept obstructed by the same; and if such owner shall not comply with such request within ten days, it shall and may be lawful for such surveyor or contractor, and they are hereby respectively authorized and required, to summon such owner before the Justices assembled at any petty sessions for such county, to shew cause why he has not complied with such request; and if such Justices shall order and direct that such hedges shall be cut or plashed, or such trees pruned or lopped, and if the said owner shall not obey such order within ten days after the making of the same, it shall and may be lawful for such surveyor or contractor to cut or plash such hedges, or to prune or lop such trees, for the benefit and improvement of such road, and to remove such obstruction as aforesaid, to the best of their skill and judgment; and the said surveyor or contractor shall be reimbursed by the said owner what charges and expenses he shall be at in cutting or plashing such hedges, or pruning or topping such trees; and it shall be lawful for such Justices at petty sessions as aforesaid to direct such charges and expenses

to be levied by distress and sale of the goods and chattels of such owner in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no person shall be compelled, nor any such surveyor or contractor permitted, to cut or prune any hedge at any other time than between the last day of September and the last day of March.

CLXII. That every county surveyor and every contractor for any work to be executed by grand jury presentment shall have power and authority to dig for, raise, and carry away in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby further empowered to make drains in order to carry off water which might injure any bridge, gullet, arch, pipe, wall, or road, in or through any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be assessed by three substantial householders, which householders shall view the ground immediately previous to and immediately after such damages shall be committed, one of such householders to be named by the owner or occupier of the land, and another by the surveyor or contractor, and the third by any neighbouring Justice of the Peace; and in case any surveyor or contractor shall refuse, or after four days notice in writing from such landholder, neglect, to name a householder on his part, then one shall be named for him by such Justice; and such three householders shall be sworn by such Justice of the Peace (previous to the damage being committed), to be appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel, or other materials shall not be included, but only the waste committed by breaking the surface and making a passage through the land, unless where such stones, gravel, or materials shall be taken from any quarries and gravel pits *bond fide* demised with liberty to work the same: Provided nevertheless, that it shall not be lawful for any such contractor or surveyor to enter any lands for any such purpose against the will of the occupiers thereof without the previous order of a Justice of the Peace, which order any such Justice is hereby authorized and required to grant on its being proved to his satisfaction that the gravel, stones, or other materials sought cannot be conveniently procured elsewhere, nor such drain otherwise sufficiently made or cleansed.

CLXIII. That it shall not be lawful for any such surveyor or contractor to dig, raise, and carry away any gravel, stones, sand, or other materials from the side of any public road, or from any beach or sea shore, whereby a public road, or bulwark or defence to any building or any land adjoining any road, may be injured; and that any person who shall be convicted thereof, on the oath of one or more credible witnesses, before any Justice of the Peace, shall for every such offence forfeit and pay a sum not exceeding 5s. for every cart load of such gravel, stones, sand, or other materials so dug, raised, or carried away, to be levied, by warrant of distress under the hand and seal of such Justice, off the goods and chattels of such offender.

CLXIV. That if any person shall wilfully prevent, assault, or threaten to assault any surveyor or contractor in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring or laying out any line intended for a new road, or if any person shall wilfully destroy, pull up, deface, or injure any surveyor's instruments or implements used in public works, or any milestone, mile-post, or direction-post, or any bridge, battlement, wall, railing, mound, or fence erected or repaired by presentment, or shall wilfully break, deface, pull down, or take away stones out of any such battlement, wall, mound, or fence, or out of any court house, gaol, house of correction, pier, or other buildings, or out of any bridge, pipe, arch, or gullet, built or repaired by presentment, every person so offending shall forfeit and pay for every such offence, upon conviction by the oath of one credible witness before any two Justices of the Peace at petty sessions, such sum not exceeding 10s. as the said Justices shall think fit; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such offender to any gaol, bridewell, or house of correction for any time not exceeding three months, or until the said forfeiture shall be paid; and it shall be lawful for the treasurer of the county in which any such injury may have been done, if directed by the grand jury so to do, to commence and prosecute an action on the case against any person or persons by whom such injury may have been committed, and for recovering of damages to the amount thereof from such person or persons for the use of the county, and when the damages sought to be recovered do not exceed 30l. to sue for the same by civil bill before the assistant barrister; and in every such proceeding the property so injured or destroyed shall for the purposes of such proceeding be deemed to be the property of such treasurer.

CLXV. That in case at any time hereafter any public work erected or repaired by presentment of a grand jury shall be wantonly or maliciously damaged or destroyed, it shall be lawful for the county surveyor and he is hereby required to apply at the presentment Sessions of the district in which such work is or was situate, holden next after the discovery by him of such damage or destruction, for the repair or reconstruction of such work, and such proceedings shall be had on such application as on any other application by such surveyor, save only that in case any presentment shall be made by the grand jury in consequence thereof, the amount of such presentment shall be levied either off of the parish in which such work is or was situate, or such portion thereof as the grand jury shall think proper.

CLXVI. That every person who shall require any presentment for fees, poundages, salary, or other contingency, or payment whatsoever, for which grand juries are authorized by the provisions of this Act to make presentments without previous application to presentment Sessions, shall lodge an application for the same, with a full detail of the particulars and amount thereof, with the secretary of each grand jury six clear days at the least previous to the day appointed for impannelling such grand jury; and such secretary shall insert an abstract of such applications at the foot of the proper schedule which he is required to deliver to the foreman of the grand jury, and also at the foot of the copy which he is required to keep in his office for the inspection of the public: Provided always, that such presentments for fees, poundage, or other contingencies, or payments, the particulars and amount whereof cannot be ascertained so as to allow of their being specified when the application therefor shall be lodged with the said secretary at the time aforesaid, may be made by the grand jury although such particulars and amount shall not have been so specified.

CLXVII. That from and after the commencement of this Act the grand juries of the county and of the county of the city of Dublin respectively shall transact the fiscal business of their several counties in open court, any Act or Acts now in that behalf made, or any usage, to the contrary notwithstanding.

CLXVIII. That no contract for any public work under the provisions of this Act, or any recognisance to be entered into for the execution of the same by virtue of this Act, shall be liable or subject to any stamp duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the amount of any such contract, or the sum for which any such recognisance shall be conditioned, or the sum sought to be recovered by virtue of such recognisance or contract, shall not exceed the sum of 100*l.*, it shall be lawful to proceed against any such contractor or his sureties for such sum, or for damages for the breach of any such contract, by civil bill before the assistant barrister at the Quarter Sessions for the county where such work shall be situate, or in the county or city of Dublin before the chairman of Kilmainham or the recorder of the city of Dublin respectively; and the said assistant barrister, chairman, and recorder shall have full power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such Judge.

CLXIX. That all fines and forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of a Justice of the Peace, together with all expenses attending the levying the same; and all such fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given, one-half to the informer, and the other half to such dispensary, hospital, or infirmary as the Justice shall direct; and in case any fine be not immediately paid upon conviction, or within such time as the Justice shall appoint, it shall be lawful for the Justice of the Peace before whom such conviction shall have been made to commit the offender to gaol for any time not exceeding two months, or until the fine be paid.

CLXX. That when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio* on account of any subsequent irregularity on the part of the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

CLXXI. That if any person shall be sued, molested, or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter, or thing pursuant thereto, such person shall and may plead the general issue, and give the special matter in evidence, and may avow the taking any distress on the acting treasurer and Justices' warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment given against him, her, or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismissal upon a civil bill, such defendant or defendants shall have his, her, or their treble costs, to be recovered by such method and manner whereby law costs are given to defendants; and no inhabitant, magistrate, or cess payer of any county shall be deemed to be an incompetent witness in any court of law or equity by reason of his being liable to be rated or being rated or assessed towards the payment of any money presented or to be presented by a grand jury.

CLXXII. That it shall not be lawful for any Justice of the Peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any grand jury, without any previous application to presentment Sessions, to make such presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

CLXXIII. That all weights and measures mentioned in this Act, or used under any of the provisions thereof, or referred to in any presentment, shall be the weights and measures fixed and ordained by an Act, 5 Geo. 4. c. 74, intitled, 'An Act for ascertaining and establishing Uniformity of Weights and Measures,' and by an Act, 5 & 6 Will. 4. c. 63, intitled, 'An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof;' any law, usage, or custom to the contrary notwithstanding.

CLXXIV. That the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the Schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable; provided always, that it shall and may be lawful to erase or alter any words in such forms so as to make them applicable to any particular case, without materially altering the substance, but no further; and that no notice, recognizance, warrant, traverse, presentment, or other proceeding or matter whatsoever served, made, taken, or had under this Act shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

CLXXV. That it shall and may be lawful for the grand jury of any county, by presentment, to divide any barony or half barony thereof into one or more subdivisions, each whereof shall, for the purposes of this Act, and for all purposes relating to the presenting, raising, and levying of money for any matter or thing for which presentment may be lawfully made by grand juries, be deemed and taken to be a barony or half barony, as such grand jury shall present the same; provided such barony shall contain forty-five thousand acres, but not otherwise; and it shall be lawful for any grand jury to unite any two baronies, or any barony or any portion of any barony or baronies, into one, for the purposes of this Act, provided the baronies or portions so united shall not contain more than forty thousand acres.

And after reciting that from the great extent of certain counties in Ireland, and the inconvenient situations of the towns where the assizes are now held in respect to other parts of said counties, it may be expedient that a second assize town should be appointed at which assizes shall be holden for part of said counties, and for that purpose that the said counties should be divided into two districts or ridings;—

to be levied by distress and sale of the goods and chattels of such owner in such manner as other distresses and sales for forfeitures are authorized and directed to be levied by virtue of this Act: Provided always, that no person shall be compelled, nor any such surveyor or contractor permitted, to cut or prune any hedge at any other time than between the last day of September and the last day of March.

CLXII. That every county surveyor and every contractor for any work to be executed by grand jury presentment shall have power and authority to dig for, raise, and carry away in or out of any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, any gravel, stones, sand, or other materials, whether the same be found in the same or any adjoining county, which may be wanted for the building, rebuilding, enlarging, or repairing any bridge, arch, gullet, pipe, or wall, or for the making, repairing, or preserving any road or footpath; and such surveyor or contractor is hereby further empowered to make drains in order to carry off water which might injure any bridge, gullet, arch, pipe, wall, or road, in or through any lands, not being a deer park, bleach green, orchard, walled garden, haggard, or yard, or planted walk, lawn, or avenue to a mansion house, and shall make such satisfaction for the damage done thereby, or by taking any such materials as aforesaid, as shall be assessed by three substantial householders, which householders shall view the ground immediately previous to and immediately after such damages shall be committed, one of such householders to be named by the owner or occupier of the land, and another by the surveyor or contractor, and the third by any neighbouring Justice of the Peace; and in case any surveyor or contractor shall refuse, or after four days notice in writing from such landholder, neglect, to name a householder on his part, then one shall be named for him by such Justice; and such three householders shall be sworn by such Justice of the Peace (previous to the damage being committed), to be appraisers of such damages as may occur, and to make a true estimate thereof, in which estimate the value of any stones, gravel, or other materials shall not be included, but only the waste committed by breaking the surface and making a passage through the land, unless where such stones, gravel, or materials shall be taken from any quarries and gravel pits *bono fide* demised with liberty to work the same: Provided nevertheless, that it shall not be lawful for any such contractor or surveyor to enter any lands for any such purpose against the will of the occupiers thereof without the previous order of a Justice of the Peace, which order any such Justice is hereby authorized and required to grant on its being proved to his satisfaction that the gravel, stones, or other materials sought cannot be conveniently procured elsewhere, nor such drain otherwise sufficiently made or cleansed.

CLXIII. That it shall not be lawful for any such surveyor or contractor to dig, raise, and carry away any gravel, stones, sand, or other materials from the side of any public road, or from any beach or sea shore, whereby a public road, or bulwark or defence to any building or any land adjoining any road, may be injured; and that any person who shall be convicted thereof, on the oath of one or more credible witnesses, before any Justice of the Peace, shall for every such offence forfeit and pay a sum not exceeding 5s. for every cart load of such gravel, stones, sand, or other materials so dug, raised, or carried away, to be levied, by warrant of distress under the hand and seal of such Justice, off the goods and chattels of such offender.

CLXIV. That if any person shall wilfully prevent, assault, or threaten to assault any surveyor or contractor in the execution of his duty, or any person or persons employed by proper authority in surveying or measuring or laying out any line intended for a new road, or if any person shall wilfully destroy, pull up, deface, or injure any surveyor's instruments or implements used in public works, or any milestone, mile-post, or direction-post, or any bridge, battlement, wall, railing, mound, or fence erected or repaired by presentment, or shall wilfully break, deface, pull down, or take away stones out of any such battlement, wall, mound, or fence, or out of any court house, gaol, house of correction, pier, or other buildings, or out of any bridge, pipe, arch, or gullet, built or repaired by presentment, every person so offending shall forfeit and pay for every such offence, upon conviction by the oath of one credible witness before any two Justices of the Peace at petty sessions, such sum not exceeding 10*l.* as the said Justices shall think fit; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such offender to any gaol, bridewell, or house of correction for any time not exceeding three months, or until the said forfeiture shall be paid; and it shall be lawful for the treasurer of the county in which any such injury may have been done, if directed by the grand jury so to do, to commence and prosecute an action on the case against any person or persons by whom such injury may have been committed, and for recovering of damages to the amount thereof from such person or persons for the use of the county, and when the damages sought to be recovered do not exceed 30*l.* to sue for the same by civil bill before the assistant barrister; and in every such proceeding the property so injured or destroyed shall for the purposes of such proceeding be deemed to be the property of such treasurer.

CLXV. That in case at any time hereafter any public work erected or repaired by presentment of a grand jury shall be wantonly or maliciously damaged or destroyed, it shall be lawful for the county surveyor and he is hereby required to apply at the presenting Sessions of the district in which such work is or was situate, holden next after the discovery by him of such damage or destruction, for the repair or reconstruction of such work, and such proceedings shall be had on such application as on any other application by such surveyor, save only that in case any presentment shall be made by the grand jury in consequence thereof, the amount of such presentment shall be levied either off of the parish in which such work is or was situate, or such portion thereof as the grand jury shall think proper.

CLXVI. That every person who shall require any presentment for fees, poundages, salary, or other contingency, or payment whatsoever, for which grand juries are authorized by the provisions of this Act to make presentments without previous application to presentment Sessions, shall lodge an application for the same, with a full detail of the particulars and amount thereof, with the secretary of each grand jury six clear days at the least previous to the day appointed for impannelling such grand jury; and such secretary shall insert an abstract of such applications at the foot of the proper schedule which he is required to deliver to the foreman of the grand jury, and also at the foot of the copy which he is required to keep in his office for the inspection of the public: Provided always, that such presentments for fees, poundage, or other contingencies, or payments, the particulars and amount whereof cannot be ascertained so as to allow of their being specified when the application therefor shall be lodged with the said secretary at the time aforesaid, may be made by the grand jury although such particulars and amount shall not have been so specified.

CLXVII. That from and after the commencement of this Act the grand juries of the county and of the county of the city of Dublin respectively shall transact the fiscal business of their several counties in open court, any Act or Acts now in force in Ireland, or any usage, to the contrary notwithstanding.

CLXVIII. That no contract for any public work under the provisions of this Act, or any recognizance to be entered into for the execution of the same by virtue of this Act, shall be liable or subject to any stamp duty imposed by any Act or Acts passed or to be passed, unless specially mentioned therein; and whenever the amount of any such contract, or the sum for which any such recognizance shall be conditioned, or the sum sought to be recovered by virtue of such recognizance or contract, shall not exceed the sum of 100*l.*, it shall be lawful to proceed against any such contractor or his sureties for such sum, or for damages for the breach of any such contract, by civil bill before the assistant barrister at the Quarter Sessions for the county where such work shall be situate, or in the county or city of Dublin before the chairman of Kilmainham or the recorder of the city of Dublin respectively; and the said assistant barrister, chairman, and recorder shall have full power to hold plea thereof, and the same shall and may be proceeded on in like manner in all respects, and the like decree or judgment and execution shall and may be had thereon, and also the like benefit of appeal, and of proceedings, judgment, and execution thereon, as in case of any other sum or demand which may now by law be had or used before such Judge.

CLXIX. That all fines and forfeitures inflicted by virtue of this Act, if not immediately paid, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of a Justice of the Peace, together with all expenses attending the levying the same; and all such fines, unless otherwise specially directed by this Act, shall, when levied and paid, be given, one-half to the informer, and the other half to such dispensary, hospital, or infirmary as the Justice shall direct; and in case any fine be not immediately paid upon conviction, or within such time as the Justice shall appoint, it shall be lawful for the Justice of the Peace before whom such conviction shall have been made to commit the offender to gaol for any time not exceeding two months, or until the fine be paid.

CLXX. That when any distress shall be made for any sum or sums of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a trespasser or trespassers, on account of any default or want of form in any proceedings relating thereto; nor shall the party or parties distraining be deemed a trespasser or trespassers *ab initio* on account of any subsequent irregularity on the part of the party or parties distraining, but the person or persons aggrieved by such irregularity may recover full satisfaction for the special damages in any action on the case.

CLXXI. That if any person shall be sued, molested, or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter, or thing pursuant thereto, such person shall and may plead the general issue, and give the special matter in evidence, and may avow the taking any distress on the acting treasurer and Justices' warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment given against him, her, or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismissal upon a civil bill, such defendant or defendants shall have his, her, or their treble costs, to be recovered by such method and manner whereby law costs are given to defendants; and no inhabitant, magistrate, or cess payer of any county shall be deemed to be an incompetent witness in any court of law or equity by reason of his being liable to be rated or being rated or assessed towards the payment of any money presented or to be presented by a grand jury.

CLXXII. That it shall not be lawful for any Justice of the Peace or any other person to demand or take any sum of money or any reward for swearing any affidavit to be made by virtue of this Act; and if any person shall wilfully swear or affirm or declare falsely in any oath or affirmation or declaration made or taken by authority or under any of the provisions of this Act, every such person, being thereof convicted, shall be adjudged guilty of wilful and corrupt perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any grand jury, without any previous application to presentment Sessions, to make such presentments for defraying the prosecution of such delinquent as to them may seem fitting and expedient.

CLXXIII. That all weights and measures mentioned in this Act, or used under any of the provisions thereof, or referred to in any presentment, shall be the weights and measures fixed and ordained by an Act, 5 Geo. 4. c. 74, intituled, 'An Act for ascertaining and establishing Uniformity of Weights and Measures,' and by an Act, 5 & 6 Will. 4. c. 63, intituled, 'An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof;' any law, usage, or custom to the contrary notwithstanding.

CLXXIV. That the several sums of money in this Act mentioned shall be deemed to be the present lawful money of Great Britain and Ireland; and the Schedules annexed to this Act shall be deemed and taken to be part thereof, and the forms therein contained shall be made use of in all cases to which such forms shall be applicable; provided always, that it shall and may be lawful to erase or alter any words in such forms so as to make them applicable to any particular case, without materially altering the substance, but no further; and that no notice, recognizance, warrant, traverse, presentment, or other proceeding or matter whatsoever served, made, taken, or had under this Act shall be impeached on any technical or formal grounds, or for any informality, provided it shall be in substance conformable to the provisions of this Act.

CLXXV. That it shall and may be lawful for the grand jury of any county, by presentment, to divide any barony or half barony thereof into one or more subdivisions, each whereof shall, for the purposes of this Act, and for all purposes relating to the presenting, raising, and levying of money for any matter or thing for which presentment may be lawfully made by grand juries, be deemed and taken to be a barony or half barony, as such grand jury shall present the same; provided such barony shall contain forty-five thousand acres, but not otherwise; and it shall be lawful for any grand jury to unite any two baronies, or any barony or any portion of any barony or baronies, into one, for the purposes of this Act, provided the baronies or portions so united shall not contain more than forty thousand acres.

And after reciting that from the great extent of certain counties in Ireland, and the inconvenient situations of the towns where the assizes are now held in respect to other parts of said counties, it may be expedient that a second assize town should be appointed at which assizes shall be holden for part of said counties, and for that purpose that the said counties should be divided into two districts or ridings;—

It is Enacted,

CLXXVI. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the advice of the Privy Council, to order and direct that any county in Ireland shall be divided into two ridings or districts, and to direct and appoint what baronies or half baronies or other portions of land shall be contained in each of said ridings, and to order and direct that assizes and sessions under the Commissioners of assize and general gaol delivery, and other commissions for the dispatch of civil and criminal business, or that any special commission or commissions of oyer and terminer and gaol delivery, should be holden in and for any county which now is or hereafter may be so divided at such town within the same as shall be deemed most expedient for the purpose, in addition to and in like manner as the same are now holden at the usual assize town.

CLXXVII. That it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors, with such advice as aforesaid, to make rules and regulations touching the venue in all cases, civil and criminal, then depending or thereafter to be depending and to be tried within said divisions or ridings of any such county, and touching the alterations of any commissions, writs, precepts, or other proceedings thereby made necessary, and touching the attendance and liability of jurors, whether grand jurors, special jurors, or common jurors, at such assizes, or at any sessions to be holden for such ridings or divisions, and to make such orders, rules, and regulations for the building or fitting up of any gaol or court house in such town so to be appointed as the assize town of any such riding, and for ascertaining the proportions to be borne by each division or riding of all presentments or other fiscal charges affecting the county at large, and to make all such rules, orders, and regulations touching all other presentments as may be rendered necessary from time to time in consequence of the division of said county, and all other rules, orders, and regulations as may be necessary for carrying into full and complete effect the object of having two half-yearly assizes holden in and for said county in manner aforesaid; and all such rules, orders, and regulations shall be inserted in the *Dublin Gazette*, and notified in such other manner as orders of the Lord Lieutenant in council are usually notified: Provided always, that such division of said county for the purposes aforesaid shall not be deemed, construed, or taken to damage, alter, limit, or abridge any power, authority, jurisdiction, right, duty, or privilege of any high sheriff, sub-sheriff, or Justice of the Peace or other Magistrate of the said county, or to affect the holding of an election of a member or members to serve in Parliament for such county, which shall continue to be holden at the town at which it is now by law required to be holden until Parliament shall otherwise direct.

CLXXVIII. That in all cases where by this or any Act or Acts now in force in Ireland repayment is to be made by grand jury presentment of any money advanced out of the Consolidated Fund or from any other public fund, the same shall from and after the passing of this Act be paid and payable unto such bank or person and in such manner as the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any three of them, shall from time to time think fit to direct and appoint.

CLXXIX. That in case the grand jury at any assizes shall neglect or refuse duly to present any money which, under the provisions of this Act, or of any Act now in force in Ireland, or of any Act passed or to be passed in this present session of Parliament, such grand jury may be required to present at such assizes upon the certificate of the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors of Ireland, or otherwise, for the purpose of reimbursing or replacing any monies issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the Court shall have power to make an order directing the sum or sums which ought to have been so presented to be raised and levied as if the same had been so presented, and such order shall have the force and effect of a presentment, and the treasurer of the county shall insert the sum mentioned in such order in his warrant, and the same shall be apportioned, raised, and levied and applied in like manner to all intents and purposes as if the same had been duly presented by such grand jury.

CLXXX. That in case at any time after the passing of this Act any sum of money shall be advanced out of the produce of the Consolidated Fund, which is to be repaid wholly or in part by a presentment of any grand jury in Ireland, it shall not be lawful to make any presentment for repaying the same or any part thereof unless the same has been demanded within five years next before the making of such presentment, except only where the same is to be repaid by instalments.

CLXXXI. That nothing herein contained shall be construed to affect or limit the powers of any grand jury in Ireland to present for the repayment of advances made under and by virtue of 5 & 6 Will. 4. c. 48, intituled, 'An Act for the better Preservation and more speedy Punishment of Offences endangering the Public Peace in Ireland'; and the Presentments authorized to be made by the said last-recited Act may be made without previous application to presentment Sessions.

And after reciting that divers sums of money have been from time to time advanced by the Lords Commissioners of the Treasury, under the provisions of certain Acts of Parliament, for the execution of public works in the county of Tyrone, and for other public purposes in the said county; and that proceedings have been taken against the late treasurer of the said county and his sureties for the recovery of a considerable balance on account of such advances which ought to have been repaid by him, and the sum of 8,000*l.* has been recovered thereunder; and that, by reason of the default and insolvency of the said treasurer, great public inconvenience will arise if the contractors and others who have demands against the said county shall remain unpaid;—

It is Enacted,

CLXXXII. That it shall and may be lawful for the said Lords Commissioners of the Treasury to authorize and direct the said sum of 8,000*l.*, so recovered as aforesaid, to be paid to the new treasurer of the said county of Tyrone, to be by him applied, in like manner as any money levied off such county by grand jury presentment in his hands, to the payment of such contractors and others, and to such other like purposes as any money arising in his hands as such treasurer may be by law applicable.

CLXXXIII. That in consideration of the advance of the said sum of 8,000*l.* it shall and may be lawful for the grand jury of the said county at the next assizes after the passing of this Act, and they are hereby required, to present the said sum of 8,000*l.* to be levied off the said county by sixteen half-yearly instalments of 500*l.* each; and the treasurer of the said county shall and he is hereby required to insert the said sum of 500*l.* in his warrant for raising or levying the sums presented at the

said next assizes, and in like manner, without further presentment or authority in that behalf, to insert a like sum of 500*l.* in his warrant for raising or levying the sums presented at each succeeding assize, until the whole sum of 8,000*l.* shall be so raised and levied off such county, and the same shall be raised and levied accordingly; and the said treasurer shall pay over the said several instalments when and as each of them shall be raised and levied to such bank or person, and in such manner, as the said Lords Commissioners of the Treasury shall direct.

CLXXXIV. That this shall commence and take effect from and after the 1st of November next: Provided always, that all presentments and contracts made, or money to be levied, accounted for, or paid, under or in consequence of any Act or Acts in force in Ireland before the commencement of this Act, shall be levied, accounted for, and paid in manner provided by the said former Act or Acts, and subject to the rules, regulations, and provisions therein contained; and provided also, that nothing herein contained shall be construed to affect, alter, or abridge the powers, duties, and liabilities of any overseer, contractor, or other person, vested in or exercised by him or them under the provisions of the said former Act or Acts, as far as respects the completion of any work or works so presented and begun and entered upon at any time before the commencement of this Act.

CLXXXV. That this Act shall extend only to that part of the United Kingdom called Ireland.

CLXXXVI. That this Act may be amended, altered, or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (Z.)—FORM (A.)

I *A. B.* of [*here insert the Name and Place of Abode of the Justice taking this Declaration*] do declare, That I am a Justice of the Peace of the County [*here insert the Name of the County for which the Presentment Sessions is holden*], and that I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Year of the Reign of His Majesty King William the Fourth, intituled [*here set out the Title of this Act*], and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into and impartially and honestly judge and determine according to the Evidence and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act.

Witness my Hand

SCHEDULE (Z.)—FORM (B.)

I *A. B.* of [*here insert the Name and Place of Abode of the Cess Payer taking this Declaration*] do declare, That I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Year of the Reign of His Majesty King William the Fourth, intituled [*here set out the Title of this Act*], and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into and impartially and honestly judge and determine according to the Evidence, and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act.

Witness my Hand

SCHEDULE (Z.)—FORM (C.)

You shall diligently inquire, on behalf of the County [*or County of City, County of Town, or City and County*] of and true Presentment make, of all such Matters and Things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any Money upon the said County [*or County of City, County of Town, or City and County*] of or upon any Barony, Half Barony, or Parish therein, or relating to the Expenditure of any such Money; you shall not present nor allow nor disallow any Matter or Thing through Hatred, Malice, or Ill-will, nor through Fear, Favour, or Affection.

So help you GOD.

SCHEDULE (X).—FORM (A.)

Form of Application for making a New Line of Road.

County of } We, of and of do
 } certify, That in our Opinion it would be useful to make a new Line of Road from to
 between and and that such new Line of Road is Perches in
 Length, and that said Perches are in the Townland [or Townlands] of in the Barony [or Baronies] of
 in this County, and we propose that Presentment for such Purpose be made under and by virtue of
 Section of the Chapter of [here set out the Reign], being an Act for [here set out the Title of this
 Act], and that the Expense of the same shall not exceed Pounds, and shall be defrayed by the County at large [or
 Barony or Half Barony or Baronies of].

(Signed)

A. B.
C. D.

SCHEDULE (X).—FORM (B.)

Form of Application for the Repairs of Roads.

County of } We, of and of do
 } certify, That we have lately viewed and measured Perches of the Road from to
 between and and that the said Perches are in the Townland [or
 Townlands] of between the Houses and Lands of A. and B. all in the Barony of in this County;
 and that the same are in need of Repair; and we propose that the Expense of the aforesaid Repairs shall not exceed
 Pounds, and shall be defrayed by the County at large [or Barony or Half Barony of], and that Presentment
 for such purpose may be made under and by virtue of the Section of the Chapter of [here set out
 the Reign], being an Act for [here set out the Title of this Act].

(Signed)

A. B.
C. D.

SCHEDULE (X).—FORM (C.)

Form of Application for widening Roads and making Fences instead of those to be taken away.

County of } We, of and of do certify, That we have
 } lately viewed and measured Perches of the Road from to
 between and in the Townland [or Townlands] of all in the Barony [or Half
 Barony] of in this County, and that every of the same is Feet wide, and no more, in the clear
 within the Fences; and we are of Opinion that it would be useful to the Public using such Road to widen the same, so as to
 make that Part of the Road Feet wide in the clear, and safe and level throughout the whole of the said Width,
 and to make new Fences instead of those which shall be taken down or destroyed in order to widen the same; and we propose
 that the Expense of widening and repairing the same shall not exceed Pounds, and shall be defrayed by the County
 at large [or Barony or Half Barony of], and that Presentment for such Purpose may be made under and by
 virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set out the
 Title of this Act].

(Signed)

A. B.
C. D.

SCHEDULE (X).—FORM (D.)

Form of Application for making or repairing Footpaths.

County of } We, of and of do certify,
 } That in our Opinion it is necessary to make [or repair] Perches of Footpath on the Road from
 to between and all in the Barony of in this County;
 and we propose that the Expense of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the
 County at large [or Barony or Half Barony of], and that Presentment for such Purpose may be made under
 and by virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set
 out the Title of this Act].

(Signed)

A. B.
C. D.

SCHEDULE (X.)—Form (E.)

Form of Application for Presentments to fill Grips or Trenches on the Sides of the Road, and make sufficient Fences instead thereof.

County of } We, of and of do certify,
That we have measured Perches of the Road from to between
and all in the Barony of in this County, where there are Perches of
immediately adjoining the said Road, of the Average Breadth of and Depth of
which are open and dangerous for Passengers and Travellers, and that it is necessary for the Safety and Security of the Public
frequenting such Road to fill up the same, and to make a sufficient Fence instead thereof; and we propose that the Expence
of the aforesaid Work shall not exceed Pounds, and shall be defrayed by the County at large, [or Barony or Half
Barony of], and that Presentment for such Purpose may be made under and by virtue of the
Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of this Act.*]
(Signed) A. B.
C. D.

SCHEDULE (X.)—Form (F.)

Form of Application for filling Dikes or Holes on the Sides of Roads.

County of } W^e, of and of do hereby
certify, That it is necessary for the Security of Travellers to fill up the Dikes [or Holes] immediately adjoining
Perches of the Road from to between all in the Barony
of in this County; and we propose that the Expense of the said Work shall not exceed Pounds, and
shall be defrayed by the County at large [or the Barony or Half Barony of], and that Presentment for such
Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign,*
being an Act for [*here set out the Title of this Act.*]

(Signed) A. B.
C. D.

SCHEDULE (X.)—FORM (G.)

Form of Application for lowering a Hill or filling a Hollow, or both, &c. &c.

County of } We, of and of do certify,
Barony of That we have lately viewed Perches of a Road in the Townland of
propose that the Expense of the aforesaid Work shall not exceed [here insert the Work proposed]; and we
at large [or Barony or Half Barony of], and that Presentment for such Purpose may be made under and by
virtue of the Section of the Chapter of [here set out the Reign], being an Act for [here set out the
Title of this Act.]

(Signed) A. B.
 C. D.

SCHEDULE (X).—Form (H.)

Form of Application for erecting, enlarging, or repairing any Building whatsoever.

County of } We, **of** **and** **of** **do certify,**

That we have lately viewed and examined and that it will be useful to [*here set out the Work*], at
in this County; and we propose that the Expense of the aforesaid Work shall not exceed Pounds,
and shall be defrayed by the County at large [or Barony or Half Barony of], and that Presentment for such
Purpose may be made under and by virtue of the Chapter of [*here set out the Reign*],
being an Act for [*here set out the Title of this Act*].

(Signed) A. B.
C. D.

SCHEDULE (X.)—FORM (I.)

Form of Application for Payment by a Contractor for a Public Work.

County of } WHEREAS the son of _____ was by virtue of the _____ Section of the _____ Chapter of
 } [here set out the Reign], being an Act for [here set out the Title of this Act], presented at
 Assizes in the Year _____ for [here set out the Work contracted for], in the Barony of _____ In this County:
 And whereas I contracted for the Work aforesaid: Now this is to certify, That I have faithfully and honestly executed the
 said Work, in conformity to the Presentment for the same and to the Terms of the Specification of the County Surveyor,
 and that every part of the said Work was finished on the _____ Day of _____ and I hereby apply
 for the Payment of the said Sum of _____ (Signed) _____ A. B. Contractor.

SCHEDULE (X.)—FORM (K.)

Form of Application for Payment by a Contractor for Works of Maintenance.

County of } WHEREAS at the Assizes in the Year by virtue of the Section of the
Chapter of [here set out the Reign], being an Act for [here set out the Title of this Act],
Perches of the Road from to between and in the
Barony of in this County, were presented to be kept in repair for Years by Contract at
the yearly Sum of : And whereas I contracted for the same: Now this is to certify, That the said
Perches and every Part thereof have been kept in good and sufficient Repair and Condition since the Commencement of
my Contract, in conformity with the Presentment and the Specification of the County Surveyor; and that the said
Perches and every part thereof are now in good and complete Repair and Condition, and that the said Perches
are free from Nuisances; and I hereby apply for Payment of the Sum of for keeping the said
Perches in repair for Months. (Signed) A. B.
Contractor.

SCHEDULE (R.)

I do declare, That I have not directly or indirectly paid any Sum of Money as or for the Subscription of any Person, in order to entitle him to become a Governor of the Infirmary of the County of _____ or to qualify him as a Subscriber to the Dispensary of _____ ^[as the case may be], and that I have not promised or in any Manner engaged to repay, and have not directly or indirectly repaid or secured, and will not directly or indirectly repay or secure, nor has any Person to my Knowledge or Belief, or on my Behalf, given or promised to give to any Person or Persons, or for his or their Use, or at all, any Sums of Money paid or secured or agreed to be paid or secured as a Subscription to the said Infirmary or Dispensary, or any part thereof; and that no person whose subscription to said Infirmary or Dispensary, or any portion thereof, has been paid or secured by me, or any Person acting for me or on my Behalf, in order to qualify him to become a Governor of the said Infirmary, has voted for me: And I do declare, that my Appointment to the Office of _____ is totally unconnected with any Arrangement between me and my Predecessor in such Office, and that no Arrangement has been made with him, to my Knowledge or Belief, by any Person on my Behalf.

SCHEDULE (Y.)

Be it remembered, That on the _____ Day of _____ in the Year _____ A. B. of _____ in the County of _____ of _____ C. D. of _____ in the County of _____ and E. F. of _____ in the County of _____ came before me _____ [one of the Justices, or Chairman, as the case may be], at a Presenting Sessions held at _____ in the County of _____ and acknowledged themselves to be held and firmly bound to our Sovereign Lord the King, His Heirs and Successors, in the Sum of _____ Pounds, to which Payment they bind themselves, their Heirs, Executors, and Administrators, and their Estates jointly and severally:

WHEREAS the above-bounden A. B. has become Contractor for the Execution of a certain Public Work, that is to say [mention it], and the said C. D. and E. F. have become his Sureties for the due Execution of such Work; Now the Condition of the foregoing Recognizance is, That if the said A. B. shall within the Time mentioned in such Contract well and truly execute such Work in the Manner required and agreed on by such Contract, then the foregoing Recognizance to be void, otherwise to remain in full Force and Effect.

SCHEDULE (8.)

Table of Classification of Counties, Treasurers Securities, and Salaries of County Officers.

	Counties, Cities, and Towns.						County of Cork.	City of Cork.	City of Dublin.
	Class I.	Class II.	Class III.	Class IV.	Class V.	Class VI.			
Treasurers Securities	8,000	7,000	5,000	4,000	2,000	1,000	20,000	4,000	
SALARIES:									
Treasurers	370	324	230	185	554	185	
Clerks of the Crown	370	324	230	185	74	47	463	185	
Clerks of the Peace	370	324	300	277	93	42	554	230	
Secretaries to Grand Jury	203	185	140	120	37	28	324	111	
Sheriffs	93	74	56	47	24	10	111	93	
Judge's Criers	14	12	10	10	5	3	20	10	
Criers at Sessions	19	14	12	10	10	6	28	20	
Court House Keeper in } County Towns	14	14	10	10	10	10	30	20	
Medical Officers of Prisons, viz. Physician, or Surgeon, or Apothecary: In the whole, exclusive of Bill for Medicines. ... }	74	74	65	65	56	37	74	65	
Number of Coroners, not exceeding :	4	3	2	2	4		

CLASS I. comprehends the counties of Tipperary, Down, Mayo, Galway, Antrim, Tyrone, Donegal, Derry, Limerick.

CLASS II. comprehends the counties of Clare, Roscommon, Kerry, Armagh, Cavan, Monaghan, Meath, Dublin.

CLASS III. comprehends the counties of Wexford, Kilkenny, Sligo, King's County, Fermanagh, Westmeath, Queen's County.

CLASS IV. comprehends the counties of Waterford, Wicklow, Louth, Longford, Leitrim, Kildare, Carlow.

CLASS V. comprehends the cities and towns of Waterford, Limerick, Kilkenny, Galway.

CLASS VI. comprehends the town of Drogheda.

SCHEDULE (T.)

Salaries for Officers in the County of the Town of Carrickfergus.

	£.	s.	d.
Treasurer	45	0	0
Clerk of the Crown	23	1	6
Clerk of the Peace	24	0	0
Secretary	13	17	0
Sheriff	7	7	8
Judge's Crier	2	0	0
Sessions Crier	2	0	0

£ 117 6 2

For the Clerks of the Crown in the towns of Youghal and Kinsale, to be presented by the Grand Jury of the County of Cork, 24*l*.

For the Clerks of the Peace for the towns of Youghal and Kinsale, to be presented by the Grand Jury of the County of Cork, 24*l*.

Note.—Whenever any Clerk of the Crown for the Counties in the First Class shall execute the Duty of his Office for more than one County of such Class, in every such Case the Salary for such Clerk of the Crown shall, for such Counties of the First Class be presented at 32*l*. only.

I do declare, That I have not, directly or indirectly, given, paid, or secured, or promised to pay, give, or secure, nor has any person on my Behalf to my Knowledge or Belief so given or promised to give, any Sum of Money or other Consideration whatsoever in order to procure myself to be appointed to the Office of Secretary of the Grand Jury, Treasurer, *et cetera* [as the Case may be], of the County of and that I will not hereafter pay, secure, or give to any Person or Persons any Money or any security for Money in consideration of or in consequence of my having been appointed to such Office: And I do declare, that my appointment to such office is totally unconnected with any Arrangement between me and my Predecessor in such office, nor has any such Arrangement been made by any Person or Persons on my Behalf to my Knowledge or Belief.

CAP. CXVII.—IRELAND.

AN ACT to amend several Acts relating to the Harbour of *Kingstown*.

(20th August 1836.)

By this Act, it is Enacted,

- I. That such part of 1 Geo. 4. c. 69. as enacts, that when the new harbour now in course of erection, pursuant to 55 Geo. 4. c. 191, 56 Geo. 3. c. 62, and 1 Geo. 4. c. 69, should be completed it should from thenceforth be vested in the said corporation for preserving and improving the port of Dublin, and supported in the manner therein provided, is repealed.
- II. That all ground or other property in or about the old harbour of Dunleary belonging to the corporation for preserving and improving the port of Dublin, shall be transferred to the Commissioners of Kingstown Harbour.
- III. That all rights, powers and privileges of the corporation for preserving and improving the port of Dublin in respect to old Dunleary Harbour or Kingstown Harbour, shall cease, and become vested in the Commissioners of Kingstown Harbour.
- IV. Except those relative to lighthouses and pilots.
- V. That the recited Acts shall remain in force, unless where expressly repealed, and to apply to old Dunleary Harbour.
- VI. That the old harbour of Dunleary and the new harbour shall constitute but one harbour under the title of "Kingstown Harbour."
- VII. That the Commissioners may supply all ships in Kingstown Harbour with ballast and assist in the discharge of ballast from all ships, but that nothing herein contained shall affect right of corporation to supply with ballast vessels discharging their cargoes at Dublin.
- VIII. That the tonnage to be charged for taking in or putting out ballast shall be fixed by the Commissioners.
- IX. That persons taking in or putting out ballast, except in manner directed by the Commissioners, shall be liable to a penalty not exceeding 10*l*.
- X. A like penalty payable on obtaining ballast except from Commissioners.
- XI. If ballast officer neglect to supply ballast, master of ship may employ carts for that purpose, and obtain ballast elsewhere.
- XII. Commissioners may quarry for ballast.
- XIII. Rates and duties to be levied on all ships coming into the harbour.
- XIV. Not to extend to those belonging to or in the service of His Majesty, &c.
- XV. Penalty on masters or commanders of ships evading or attempting to evade payment of rates and duties.
- XVI. Penalty on master leaving the harbour without paying rates and penalties.
- XVII. Application of monies received by the Commissioners under this Act.
- XVIII. Commissioners may sell surplus materials out of the quarries.
- XIX. Commissioners may permit their tramroads to be used by persons paying for the same.—Commissioners may grant leases of the tramroads.—The Commissioners to have at all times free use of the tramroads.
- XX. So much of 1 Geo. 4. c. 69. as relates to the salary of the harbour master repealed.—Commissioners, with consent of the Lord Lieutenant, to give a reasonable salary.
- XXI. Harbour master to have power to direct the mooring, unmooring, &c. of all ships, &c.
- XXII. Penalty on master or commander of a ship refusing to follow the directions of the harbour master.—Harbour master may, in case of refusal, moor or unmoor vessels, and may employ assistants for that purpose.
- XXIII. Expenses thereof to be borne by the master or commander.
- XXIV. Harbour master may in case of necessity cut cables.
- XXV. Harbour master may remove timber floating in the harbour, and wrecks.—Expense to be paid by owners.—In case of non-payment, Commissioners may sell the timber, &c. by public auction; paying the overplus, if any, to the owners, after deducting expenses.
- XXVI. Penalty on persons obstructing the mooring or unmooring of vessels.
- XXVII. Penalty on persons obstructing the harbour master in any of his duties.
- XXVIII. Harbour master and his assistants indemnified.
- XXIX. Commissioners may, with the approbation of the Lord Lieutenant, appoint collectors, &c.
- XXX. Commissioners may appoint and remove servants and workmen.
- XXXI. Commissioners may take security from collectors, &c.
- XXXII. Penalty on collectors, &c. taking fees.
- XXXIII. Collector to levy and receive dues.

XXXIV. Collector may distrain for dues.—In case of non-payment of dues Commissioners may sell the vessel, &c., and pay over the surplus to the owner.

XXXV. Collectors and officers to keep accounts.

XXXVI. Remedy against officers making default.

XXXVII. Commissioners may place buoys, &c. in the harbour, and mark out space along or in harbour to be kept open and free.

XXXVIII. Masters or commanders of ships to pay for use of cables, &c.

XXXIX. If ships hook or get foul of moorings the masters of them not to unhook them without the assistance of the harbour master, under penalty of 10*l*.

XL. Penalty on masters or commanders of ships not fastening a buoy to anchor.

XLI. Commissioners may have sunken vessels raised and sold.

XLII. Penalty on persons casting rubbish, &c. into harbour.

XLIII. Commissioners to have the power given to the corporation for preserving and improving the port of Dublin by 26 Geo. 3. (I.) and 32 Geo. 3. (I.) and the power over cars, &c. given by 37 Geo. 3. (I.) and 48 Geo. 3. c. 87.

XLIV. Commissioners may license boats and wherries to ply in the harbour.

XLV. Commissioners may license packet porters.

XLVI. Commissioners may withdraw licences.

XLVII. Commissioners may make bye-laws, rules, and regulations.

XLVIII. Commissioners may fix penalties for breach of the bye-laws.

XLIX. Bye-laws, rules and regulations may be varied.

L. Bye-laws and rules to be published by printing them or painting them on boards in and about the harbour.

LI. Penalty on persons defacing such boards.

LII. Ships or other vessels may be seized and detained for penalties.

LIII. Penalty on persons unmooring boats without leave of the owners.

LIV. Penalty on persons bathing except at the places appropriated.

LV. Penalty on persons discharging fire-arms in the harbour.

LVI. No public house to be permitted within one hundred feet of road on south-west side of harbour without consent, except as herein mentioned.

LVII. Commissioners indemnified.

LVIII. Commissioners to have the power of Magistrates.

LIX. Commissioners may appoint constables, &c.

LX. Any two of the Commissioners qualified to act.

LXI. Offences against harbour Acts to be heard by any two of the Commissioners, or a Justice of the Peace.

LXII. Penalty on witness refusing to attend and give evidence.

LXIII. Informer to be a witness.

LXIV. That this Act shall be deemed and taken to be a public Act.

APPENDIX TO THE FOREGOING ABRIDGMENT OF STATUTES,

6 & 7 WILLIAM IV.—1836.

Containing Cap. LXXI., LXXXV., LXXXIX., CI., CIII., CV., CXI., CXIV.

CAP. LXXI.

AN ACT for the Commutation of Tithes in *England and Wales*.

(13th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Appointment of Commissioners.*
2. *Style of Commissioners.*—To have a common seal.—Awards, &c. purporting to be sealed with such seal to be received as evidence.
3. *Commissioners to report to Secretary of State.*—Annual Report to be laid before Parliament.
4. *Power to appoint Assistant Commissioners, Secretary, Assistant Secretary, &c.*—Limiting the number of appointments.
5. *Commissioners not to sit in the House of Commons.*
6. *Operation of Act as to appointment of Commissioners, &c. limited to five years.*
7. *Salaries of and allowances to Commissioners and Assistant Commissioners, Secretary, and other officers.*
8. *Such salaries, allowances, and other expenses, how to be paid.*
9. *Commissioners and Assistant Commissioners to take an oath.*—Form of oath.—Notification of appointment to be published in the *Gazette*.
10. *Commissioners or Assistant Commissioner may summon and examine witnesses.*
11. *Commissioners may delegate powers to Assistant Commissioners, except the powers to be exercised under their seal.*
12. *Meaning of the words "person," "lands," "tithes," "parish," "parochial," "land owner," "tithe owner," as used in this Act.*—Where parties to be deemed joint owners.
13. *When the ownership of lands or tithes or patronage is vested in the Crown, who shall be deemed the owner or patron.*
14. *When the same person is owner of lands and owner of tithes, he may be dealt with in both characters.*
15. *In case the patron or owner is under legal disability, who to act.*
16. *Acts may be done by agents duly authorized.*—Power of attorney.
17. *Parochial meetings may be called, at which owners of two-thirds in value may agree on the sum to be paid to the tithe owners, which agreement shall bind the whole parish.*
18. *Provisional agreements may be made at the parochial meetings.*
19. *Proportional interest in lands and tithes how to be estimated for the purposes of this Act.*
20. *Meeting may be adjourned.*
21. *Form of parochial agreement.*
22. *Commissioners to frame and circulate forms of agreements, &c.*
23. *Commissioner or Assistant Commissioner may attend to advise terms of agreement.*
24. *Suits and differences may be referred to arbitration.*
25. *Agreements pending at the time of the passing of this Act, if completed and confirmed by the Commissioners, to be as valid as parochial agreements.*
26. *Consent of patron to be given to every agreement for commutation of ecclesiastical tithes.*
27. *Agreement to be confirmed by the Commissioners.*
28. *Agreement to be communicated to bishop of the diocese previous to its being confirmed.*
29. *Land not exceeding twenty acres may be given as commutation for tithes, &c.*
30. *Commissioners to satisfy themselves of the title of such land, &c.*
31. *Agreements for giving land to operate as conveyances.*
32. *Appointment of valuers.*
33. *Valuers to apportion the rent-charges.*
34. *Valuers may enter on lands for the purpose of valuing tithes.*
35. *Old plans and surveys may be used if the valuers think proper.*
36. *After 1st of October, 1838, Commissioners may ascertain total value of tithes in any parish in which no previous agreement has been made.*
37. *Value of tithes to be calculated upon an average of seven years.*—Tithes to be valued without deduction on account of parochial and county rates, &c.
38. *Commissioners in certain cases may increase or diminish the sum to be paid for commutation.*
39. *Special adjudications how to be made.*
40. *How the tithe of hops, fruit, and garden produce is to be valued.*
41. *How the tithe of coppice wood is to be valued.*
42. *Provision for the change of culture of hop grounds and market gardens.*
43. *Provision for valuing tithes of lands to which the average of seven years cannot apply.*
44. *Moduses, &c. how to be allowed for in the award.*
45. *Commissioners may hear and determine disputes;*
46. *Subject to appeal by an issue at law;—or by taking the opinion of a court of law thereon.*
47. *Proceedings not to abate by death of parties.*
48. *In case of deaths of parties before actions brought, &c. the same to be carried on and defended in their names.*
49. *Statutes of Limitation not to be affected.*
50. *Commissioners to award total sum to be paid for the tithes of the parish.*
51. *Commissioners may hear and determine objections to the award.*
52. *Award to be confirmed by the Commissioners.*
53. *Commissioners to summon a parochial meeting to appoint valuers.*
54. *If valuation not completed in six months, Commissioners to apportion.*

55. *Form of apportionment.*
56. *Comptroller of Corn Returns to publish average price of corn.*
57. *Rent-charges to be valued according to the average price of corn.*
58. *Rent-charge may be specially apportioned.*
59. *Commissioners may employ surveyors.—Commissioners to have the power of valuers as to entry in lands, &c.*
60. *Apportionment to be signed by the person making it, and sent with the plan to the Commissioners.*
61. *Commissioners may hear and determine objections to apportionment.*
62. *Owners of lands chargeable with rent-charge may give land instead thereof.*
63. *Confirmation by the Commissioners.*
64. *Transcripts of the award to be sent to the registrar of the diocese and to the incumbent and churchwardens.*
65. *Commissioners may require notice of agreements or awards to be given to reversioner.*
66. *Agreements &c. not to be questioned after confirmation.*
67. *Lands to be discharged from tithes, and rent-charge paid in lieu thereof.—Payment of rent-charge on reclaimed lands to be postponed until tithes would have been due.*
68. *Lands to be free from tithes when lands are given in lieu thereof.*
69. *Rent-charge to be liable to parochial and county rates.*
70. *How rates and charges are to be recovered.*
71. *Rent-charge to be subject to the same incumbrances and incidents as tithe before this Act.—Proviso.*
72. *Apportionment may be altered by Commissioners of Land Tax, if desired.*
73. *Expenses of witnesses to be paid under the direction of the Commissioners.*
74. *Expenses of making any award to be paid by the land owners and tithe owners as the Commissioners may direct.*
75. *Expenses of apportionment to be borne rateably by the land owners.*
76. *Expenses may be recovered by warrant of distress.*
77. *Owners of particular estates may charge the costs on the estate for twenty years.*
78. *Costs of ecclesiastical tithe owners may be charged on the benefice for twenty years.*
79. *If tenant of lands at rack rent dissent from paying the rent-charge, the landlord may take the tithes during the tenancy.*
80. *Tenant paying rent-charge to be allowed the same in account with his landlord.*
81. *When rent-charge is in arrear for twenty-one days after half-yearly days of payment, the person entitled thereto may distrain.*
82. *When rent-charges are in arrear for forty days after half-yearly days of payment, and no sufficient distress on the premises, writ to be issued directing sheriff to summon jury to assess arrears.*
83. *Account how to be rendered.*
84. *For recovery of rent-charges from Quakers.*
85. *Powers of distress and entry to extend to all lands within the parish occupied by the owner or under the same landlord or holding.*
86. *Powers of 4 & 5 Will. 4. to extend to rent-charges under this Act.*
87. *Provision for the sale of buildings and the sites thereof rendered useless or unnecessary by the commutation of tithes.*
88. *Leases of tithes may be surrendered.*
89. *Tithes due before commutation not to be affected.*
90. *Act not to extend to Easter offerings, &c. or to payments instead of tithes in London, or to permanent rent-charges by custom or Act of Parliament.*
91. *Advertisements, contracts, and awards not to be liable to stamp duty.*
92. *Correspondence of Commissioners relating to this Act to be free of postage.*
93. *False evidence to be deemed perjury; withholding evidence a misdemeanor.*
94. *Limitation of actions against Commissioners, Assistant Commissioners, Justices, &c.*
95. *Proceedings under this Act not to be quashed for want of form, nor to be removed by certiorari.*
96. *Limits of Act.*
97. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to amend the laws relating to tithes in England and Wales, and to provide the means for an adequate compensation for tithes, and for the commutation thereof:—

It is Enacted,

I. That it shall be lawful for one of His Majesty's principal Secretaries of State to appoint two fit persons to be Commissioners to carry this Act into execution, and for the Archbishop of Canterbury, under his hand and archiepiscopal seal, to appoint one fit person to be a Commissioner to carry this Act into execution, and for the said Archbishop and Secretary of State, at their joint pleasure, to remove any one or more of the Commissioners so appointed; and upon every vacancy in the office of Commissioner some other fit person shall be appointed to the said office in the same manner and by the same authority as the Commissioner whose vacancy is thereby supplied; and until such appointment it shall be lawful for the continuing Commissioners or Commissioner to act as if no such vacancy had occurred.

II. That the said Commissioners shall be styled "The Tithe Commissioners for England and Wales," and shall have their office in London or Westminster, and they, or any two of them, may sit from time to time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a seal of the said Board, and shall cause to be sealed or stamped therewith all agreements and awards confirmed by the said Commissioners in pursuance of this Act; and all such agreements and awards and other instruments proceeding from the said Board, or copies thereof, purporting to be sealed or stamped with the seal of the said Board, shall be received in evidence without any further proof thereof; and no agreement or award shall be of any force unless the same shall be sealed or stamped as aforesaid.

III. That the said Commissioners shall from time to time give to any one of His Majesty's principal Secretaries of State such information respecting their proceedings or any part thereof as the said principal Secretary of State shall require, and shall once in every year send to one of the principal Secretaries of State a general Report of their proceedings; and every year such general Report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal Secretary of State if Parliament be sitting, or if Parliament be not sitting then within six weeks after the next meeting thereof.

iv. That it shall be lawful for the Commissioners from time to time to appoint a sufficient number of persons to be Assistant Commissioners, and also a secretary and assistant secretary, and all such clerks, messengers, and officers as they shall deem necessary, and to remove such Assistant Commissioners, secretary, or assistant secretary, clerks, messengers, or officers, or any of them, and on any vacancy in any of the said offices to appoint some other person to the vacant office; and the persons so appointed shall assist in carrying this Act into execution at such places and in such manner as the said Commissioners may direct: Provided always, that the said Commissioners shall not appoint more than twelve such Assistant Commissioners to act at any one time, unless the Lord High Treasurer, or any three or more of the Commissioners of His Majesty's Treasury, shall, in the case of each such appointment, consent thereto; provided further, that the number of such clerks, messengers, and officers shall be subject to the like consent.

v. That no Commissioner or Assistant Commissioner appointed as aforesaid shall during his continuance in such office be capable of being elected or of sitting as a member of the House of Commons.

vi. That no Commissioner or Assistant Commissioner, secretary, assistant secretary, or other officer or person so to be appointed, shall hold his office for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the then next session of Parliament; and after the expiration of the said period of five years and of the then next session of Parliament so much of this Act as authorizes any such appointment shall cease.

vii. That the salaries of the Commissioners, the allowance to the Assistant Commissioners, and the salaries of the secretary, assistant secretary, clerks, messengers, and other officers to be appointed under this Act, shall be from time to time regulated by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury, or any three of them: Provided always, that the salary of a Commissioner shall not exceed the sum of 1500*l.* a year, nor the allowance to an Assistant Commissioner the sum of 3*l.* for every day that he shall be actually employed or travelling in the performance of the duties of his office, nor the salaries of the secretary or assistant secretary the sum of 800*l.* a year; and that the salaries of the clerks, messengers, and other officers shall be in fit proportion: Provided also, that the said Lord Treasurer or Lords Commissioners may allow to any Commissioner, Assistant Commissioner, secretary, assistant secretary, clerk, messenger, or other officer, any such reasonable travelling and other expenses as may have been incurred by him in the performance of his duties under this Act, in addition to his salary or allowance respectively.

viii. That the salaries, allowances, and travelling and other expenses of the Commissioners, Assistant Commissioners, secretary, assistant secretary, clerks, messengers, and officers, as aforesaid, and all other incidental expenses of carrying this Act into execution, not herein otherwise provided for, shall be paid by the Lord Treasurer or the Lords Commissioners of His Majesty's Treasury out of the Consolidated Fund.

ix. That every such Commissioner and Assistant Commissioner shall, before he shall enter upon the execution of his office, take the following oath before one of the Judges of His Majesty's Court of King's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say,)

'I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of a Commissioner [or Assistant Commissioner, *as the Case may be,*] under an Act passed in the Year of the Reign of King William the Fourth, intituled [*here set forth the title of this Act*].'

And the appointment of every such Commissioner and Assistant Commissioner, with the time when and the name of the Judge or Baron before whom he shall have taken the oath aforesaid, shall be forthwith published in the *London Gazette*.

x. That the said Commissioners, or any Assistant Commissioner, may, by summons under their or his hand, require the attendance of all such persons as they or he may think fit to examine upon any matter brought before them or him as herein-after mentioned relating to the commutation of tithes, and also make any inquiries and call for any answer or return as to any such matter, and also administer oaths and examine all such persons upon oath and cause to be produced before them or him upon oath all books, deeds, contracts, agreements, accounts, and writings, terriers, maps, plans, and surveys, or copies thereof respectively, in anywise relating to any such matter: Provided always, that no such person shall be required, in obedience to any such summons, to travel more than ten miles from the place of his abode, or to produce any deeds, papers, or writings relating to the title of any lands or tithes.

xi. That the said Commissioners may delegate to their Assistant Commissioners, or to any one or more of them, such of the powers hereby given to the said Commissioners as the said Commissioners shall think fit, (except the power to confirm agreements and awards, or to frame forms of agreements and other instruments, as hereinafter provided, or to do any act herein required to be done under the seal of the said Commissioners,) and the powers so delegated shall be exercised under such regulations as the said Commissioners shall direct; and the said Commissioners may at any time recall or alter all or any of the powers delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made; and all acts done by any such Assistant Commissioner in pursuance of such delegated powers shall be obeyed by all persons as if they had proceeded from the said Commissioners, and the non-observance thereof shall be punishable in like manner.

xii. That in the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the King's Majesty, and any body corporate, aggregate, or sole, as well as an individual; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male; and the word "lands" shall mean and include all messuages, lands, tenements, and hereditaments; and the word "tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "parish" and "parochial" shall mean and include and extend to every parish and every extra-parochial place, and every township or village, within which overseers of the poor are separately appointed under the provisions of an Act, 13 & 14 Car. 2. c. 12,

intituled, 'An Act for the better relief of the Poor of this Kingdom,' and every district of which the tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the Commissioners shall by any order direct to be considered as a separate district for the commutation of tithes; and the words, "land owner" or "tithe owner," or "owner of lands" or "owner of tithes," shall mean and include every person who shall be in the actual possession or receipt of the rents or profits of any lands or tithes (except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof,) and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than two-thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such tithes or lands, be deemed for the purposes of this Act to be the owner of such tithes or lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any tithes or lands under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the owner of such tithes or lands.

XIII. That whenever the ownership of any lands or tithes to which the provisions of this Act are intended to apply shall be vested in His Majesty, the First Commissioner of his Majesty's Woods, Forests, and Land Revenues for the time being, or in case such lands or tithes shall be vested in His Majesty in right of the Duchy of Lancaster or of the Duchy of Cornwall, the Chancellor of the Duchy of Lancaster, or the officers of the Duchy of Cornwall entitled to grant leases of lands parcel of the Duchy of Cornwall, shall for the purposes of this Act be substituted instead of the owner of such lands or tithes respectively; and whenever the patronage of any benefice to which the provisions of this Act are intended to apply shall be vested in His Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the time being where the value of such benefice is above the yearly value of 20*l*. in the king's books, and where such value is of or below the yearly value of 20*l*. in the king's books the Lord Chancellor or Lord Keeper or First Lord Commissioner of the Great Seal for the time being, shall, for the purposes of this Act, be substituted instead of the patron: Provided nevertheless, that if such patronage is vested in His Majesty in right of the Duchy of Lancaster, the Chancellor for the time being of such duchy shall for the purposes of this Act be substituted instead of the patron.

XIV. That whenever any person shall be at the same time owner of any lands and owner of any tithes comprised within any agreement to be executed pursuant to the provisions of this Act, or besides being owner of any lands or of any tithes shall also be patron of the benefice to which the tithes in question may belong, such person, in relation to such agreement, may act and be dealt with in each of the several characters so borne by him as aforesaid.

XV. That whenever the patron of any benefice or the owner of any lands or tithes to which the provisions of this Act are intended to apply, or any person interested in any question as to any tithes, shall be a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attorney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners after due inquiry shall have been made by them as to the fitness of such person, and whom they are hereby empowered to nominate under their hands and seal, shall for the purposes of this Act be substituted in the place of such patron, owner, or person so interested.

XVI. That it shall be lawful for any land owner or tithe owner, by a power of attorney given in writing under his hand, to appoint an agent to act for him in carrying into execution the provisions of this Act; and all things which by this Act are directed to be done by or with relation to any person may be lawfully done by or with relation to the agent so duly authorized of such person; and every such agent shall have full power, in the name and on behalf of his principal, to concur in and execute any agreement, and to vote on any question arising out of the execution of this Act; and every person shall be bound by the acts of any such agent, according to the authority committed to him, as fully as if the principal of such agent had so acted; and the power of attorney under which the agent shall have acted, or a copy thereof authenticated by the signature of two credible witnesses, shall be appended to every agreement executed by any such agent, and shall be sent with it to the office of the Commissioners as hereinafter provided; and any such power of attorney may be in the form following:

'I A.B. of [&c.] do hereby appoint C.D. of [&c.] to be my lawful Attorney to act for me in all respects as if I myself were present and acting in the Execution of an Act passed in the Sixth and Seventh Years of His present Majesty, intituled [here insert the Title of this Act].

(Signed) 'A. B.'

XVII. That any one or more of the land owners or tithe owners, whose interest respectively shall not be less than one fourth part of the whole value of the lands subject to tithes, or one fourth part of the whole value of the tithes of any parish in England or Wales, may call a parochial meeting of land owners and tithe owners within the limits of the parish, by notice thereof in writing under his or their hand, to be affixed at least twenty-one days before such meeting on the principal outer door of the church, or in some public and conspicuous place within the limits of the parish, and to be twice at least during such twenty-one days inserted in some newspaper generally circulated within the county in which such parish is situated, for the purpose of making an agreement for the general commutation of tithes within the limits of such parish; and every land owner and tithe owner attending such meeting shall bear his own expenses of attendance; and the land owners and tithe owners who shall be present at any such meeting called as aforesaid, and whose interest in the lands and tithes of the parish respectively shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes of the parish, may proceed to make and execute a parochial agreement for the payment of an annual sum by way

of rent-charge, variable as hereinafter provided, instead of the great and small tithes of the parish collectively, or instead of the great tithes and small tithes severally, to the respective owners thereof in the said parish; and every agreement so made and executed, and confirmed in manner hereinafter mentioned, shall be binding on all persons interested in the tithes or lands subject to tithes of the said parish.

XVIII. That the majority of such land owners and tithe owners present at every such meeting shall elect a chairman, who shall forthwith proceed to ascertain the interest of the land owners and tithe owners then present in person or by their agents; and in case it shall thereupon appear that the persons present at such meeting have not a sufficient interest in the premises as aforesaid to make and execute such an agreement which shall be binding on all persons interested therein, it shall be lawful notwithstanding for any number of the persons then present to make and execute a provisional agreement for the commutation of tithes of the like form and tenor; and every such provisional agreement which shall be executed within six calendar months from the day of the first making thereof by the land owners and tithe owners whose interest in the lands and tithes of the parish shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes of the parish respectively, shall be as binding as if executed by all the parties thereto at the meeting at which the agreement was first made.

XIX. Provided, That the proportional interest of the owners of such lands or tithes, so far as relates to their power to make any such agreement or provisional agreement, or to give any notice to the Commissioners or Assistant Commissioners as hereinafter provided, shall be estimated according to the proportional sum at which such lands or tithes shall be rated to the relief of the poor, or, if there shall be no such rate, according to the rules by which property of the same kind is by law rateable to the relief of the poor.

XX. That in case an adjournment of the said meeting for any cause shall be desired by a majority of the persons attending such meeting, the chairman shall adjourn the meeting to any time and place then by him to be declared, and so from time to time in case the same shall be in like manner desired by a majority of the persons attending such meeting; and notice of every adjourned meeting shall be given under the hand of the chairman, and shall be affixed in a conspicuous place on the outside of the building in which such meeting or the last adjournment thereof shall have been holden; and the like order of proceeding shall be observed at any such adjourned meeting, and every thing done at any such adjourned meeting shall be as valid as if done at the original meeting.

XXI. That every such agreement shall bear date on the day on which the first signature is attached thereto, and every such agreement or some schedule thereunto annexed shall set forth all the lands of the said parish which are subject to the payment of any kind of tithes, and also the true or estimated quantity in statute measure of land subject to tithes within the parish which shall be then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, and shall also set forth whether any modus or composition real, or prescriptive or customary payment, shall be payable instead of all or any of the tithes of the said parish, and which lands or tithes respectively are covered thereby, and shall also set forth which of the said tithes, moduses, compositions, or payments are payable to the tithe owner, or if there is more than one tithe owner to each of the several tithe owners in the said parish, distinguishing in what right every such tithe owner is entitled to such tithes, and shall also set forth whether any and which of the lands of the said parish are or have been under any and what circumstances exempt from the payment of any and what tithes; and such agreement shall also state in words at length the amount of the sum or sums agreed to be paid (subject to variation as hereinafter provided) instead of the tithes of the lands comprised in the said agreement, and instead of all moduses and compositions real, prescriptive and customary payments (if any), payable in respect of such lands, or the produce of such lands or any of them, distinguishing, if there is more than one tithe owner, the sum payable to every such tithe owner, and where the tithes of different lands in the same parish are payable to different tithe owners, or to the same tithe owner in different rights, distinguishing the sum payable in respect of such different lands; and every such agreement shall also state all such other particulars as the Commissioners shall by any order from time to time require to be inserted in such agreements.

XXII. That the Commissioners shall frame and cause to be printed, as soon as conveniently may be after their appointment, forms of notices and agreements and such other instruments as in their judgment will further the purposes of this Act, and supply all or any of such forms to the churchwardens and overseers of any parish who may require the same, or to whom the Commissioners may think fit to send the same, for the use of any land owner or tithe owner desirous of putting this Act in execution.

XXIII. That any Commissioner, or Assistant Commissioner, if the Commissioners shall think fit, may attend any such meeting for the purpose of taking part in the discussion and advising on the terms of agreement; but no Commissioner or Assistant Commissioner, during the time that he is actually attending such meeting for that purpose, shall have any of the powers herein given to the Commissioners in case of an award or apportionment by the Commissioners as hereinafter provided.

XXIV. That if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability to tithes, under any circumstances in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making and executing of any such agreement shall be hindered, it shall be lawful for the owners, or if there shall be no owner actually in possession, for the persons claiming to be the owners of the lands and tithes respectively, being parties to such suit or difference, to submit the same to reference by any writing under their respective hands, containing an agreement that such submission shall be made a rule of any of His Majesty's courts of record, upon such terms of reference as the parties may agree upon; and the decision of the arbitrator or arbitrators named in the said reference shall for the purposes of this Act be final and conclusive on all persons: Provided nevertheless, that no person being owner of an estate in land or tithes, less in the whole than an immediate estate of fee simple or fee tail, shall be empowered to submit to any such reference so as to bind any person in remainder, reversion or expectancy, without the consent of the Commissioners; and that it shall be lawful for the Commissioners, if they shall think fit so to do, but not otherwise necessary,

to direct that any person in remainder, reversion, or expectancy of an estate of inheritance in the said lands or tithes, or any other person whom they shall deem to be interested therein, shall be made a party to such reference.

xxv. That every agreement for the commutation for a rent-charge of the tithes of any lands which shall be pending at the time of the passing of this Act, and which shall be executed before or within six calendar months after the passing of this Act by the land owners and tithe owners, or persons claiming to be such owners, whose interest in the said lands and tithes shall not be less than two-thirds of the said lands, two-thirds of the great tithes and two-thirds of the small tithes of the said lands, and which shall be confirmed by the Commissioners, under their hands and seal, in the manner hereinafter provided for the confirmation of any parochial agreement, shall be as valid, and the rent-charge agreed to be paid by any such agreement shall be apportioned and charged, as hereinafter provided, among and upon the said lands, as if the agreement had been made and executed at a parochial meeting.

xxvi. Provided, That in every case in which any tithes shall belong to any ecclesiastical person in right of any spiritual dignity or benefice, no agreement for the commutation of such tithes made and executed under this Act shall be deemed to be executed by the owner of such tithes unless such consent thereto be given as hereinafter mentioned; (that is to say,) in the case of an Archbishop or Bishop, the consent of the Crown signified by the Lord High Treasurer or First Lord Commissioner of the Treasury; and in case of the incumbent of any other benefice or ecclesiastical dignity, the consent of the patron or person entitled to present to such benefice or dignity in case the same were then vacant; and every such consent shall be given under the hand of the person giving the same, and shall be annexed to the agreement, and taken to be part of the execution thereof.

xxvii. That every such agreement, as soon as may be after it shall have been executed by a sufficient number of land owners and tithe owners whose interests in the lands and tithes of the parish respectively shall not be less than two-thirds of the lands subject to tithes, two-thirds of the great tithes and two-thirds of the small tithes, shall be sent by the chairman of the meeting, or by the person in whose custody it shall then be, to the office of the Commissioners, and the Commissioners, by themselves or by some Assistant Commissioner, shall cause inquiry to be made and shall require such proof as will be satisfactory to them, whether or not the agreement has been made without fraud or collusion, and whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the Commissioners shall confirm the agreement under their hands and seal, and shall add to such agreement the date of the confirmation, and shall publish the fact of such confirmation and the date thereof within the parish in such manner as to them shall seem fit; and every such confirmed agreement shall be binding on all persons interested in the said lands or tithes.

xxviii. Provided, That before the Commissioners shall confirm any such agreement relating to tithes belonging to any ecclesiastical person in right of any spiritual dignity or benefice, they shall communicate the same to the Bishop of the diocese for his observations and opinion; and no such agreement shall be confirmed by such Commissioners until four weeks shall have elapsed from the date of the transmission of such agreement to such Bishop, unless the said Bishop shall sooner signify his approbation of such agreement to the said Commissioners.

xxix. That any such parochial agreement may be made in manner and form aforesaid for giving to any ecclesiastical owner, in right of any spiritual benefice or dignity, of any tithes or of any rent-charge for which such tithes shall have been commuted, any quantity not exceeding in the whole twenty imperial acres of land by way of commutation for the whole or an equivalent part of the great or small tithes of the parish, or in discharge of or exchange for the whole or an equivalent part of any rent-charge agreed to be paid instead of such tithes, but subject in every case to the provisions hereinafter contained; and every such agreement shall be made in such form and contain such particulars as the Commissioners shall in that behalf direct, specifying the land whereof the tithes or rent-charge for which such tithes shall have been commuted shall be the subject of such agreement, and giving full and sufficient descriptions of the quantity, state of culture, and annual value of the land proposed to be given in exchange for such tithes or rent-charge: Provided always, that the same consent and confirmation shall be necessary to any such agreement as in the case of an agreement for a rent-charge; and that in case the said agreement shall not extend to the whole of the tithes of the parish, an agreement or award as hereinafter provided may and shall be made for the payment of a rent-charge in satisfaction of the residue of the said tithes; and such rent-charge when agreed upon or awarded, or the residue thereof, shall be apportioned in manner hereinafter provided upon all the lands of the parish subject to the payment of tithes, unless otherwise agreed upon by the parties to the said parochial agreement, except the land so given by way of commutation, in like manner as if no agreement for giving land had been made: Provided also, that the land so given shall be free from incumbrances, except leases at improved rent, land tax, or other usual outgoings, and shall not be of leasehold tenure, nor of copyhold or customary tenure, subject to arbitrary fine or the render of heriots.

xxx. That in every case in which any such agreement for giving land shall be so entered into, the Commissioners shall satisfy themselves, in such way and by such evidence as they shall see fit, of the title to the land proposed thereby to be given in exchange for such tithes or rent-charge, and that the same are of the description and value set forth in such agreement, and that such agreement is conformable in every respect to the provisions hereinbefore contained respecting the same; and the expenses attending every such agreement for giving land, and the confirmation thereof, and of investigating the title to the land, shall be borne by the owners of land liable to the payment of tithes within the parish, in such proportions as they may agree, or, in default of agreement, as the Commissioners may direct.

xxxi. That such agreement for giving land, confirmed by the said Commissioners, shall operate as a conveyance of such land to the owner of such tithes or rent-charge, and the land so conveyed shall thereupon vest in and be and be deemed to be held by such person or persons, and upon the like uses and trusts in every respect as the tithes or rent-charge in commutation or exchange for which the same shall have been given shall be vested and holden; and for the purpose of making and completing any such agreement the provisions of this Act respecting persons under legal disability shall apply to every person party to such agreement or in whom any such land shall be vested, and whose concurrence or consent may be necessary to the perfecting thereof, or of the title to such land, as fully as if the same had been here repeated and re-enacted.

xxxii. That at the said meeting or at some adjournment thereof, or at some other parochial meeting to be called in like man-

ner, either before or after the confirmation of the agreement, the owners of lands subject to tithes in the said parish, or their agents, present at the meeting, may appoint a valuer or valuers; and in case the majority in respect of number and the majority in respect of interest shall not agree upon the appointment, then they shall appoint two or such other even number of valuers as shall be then agreed on by such land owners, half of such number to be chosen by a majority in respect of number, and the other half by a majority in respect of interest, of such land owners then present.

XXXIII. That as soon as may be after the choosing of such valuer or valuers, and after the confirmation of the said agreement, the valuer or valuers so chosen shall apportion the total sum agreed to be paid by way of rent-charge instead of tithes, and the expenses of the apportionment, amongst the several lands in the said parish, according to such principles of apportionment as shall be agreed upon at the meeting at which the valuer or valuers shall be chosen, or if no principles shall be then agreed upon for the guidance of the valuer or valuers, then, having regard to the average titheable produce and productive quality of the lands, according to his or their discretion and judgment, but subject in each case to the provisions hereinafter contained, and so that in each case the several lands shall have the full benefit of every modus and composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable; provided that it shall be lawful for the said valuers, when an even number is chosen, by any writing under their hands, to appoint an umpire before they proceed upon the business of such apportionment, and the decision of the umpire on the questions in difference between the valuers shall be binding on them, and shall be adopted by them in the apportionment.

XXXIV. That the said valuers and umpire (if it shall become necessary for him to act), and their agents or servants, at all reasonable times, may enter upon any of the lands to be included in the apportionment, and make an admeasurement, plan, and valuation of the same, without being subject to any action or molestation for so doing: Provided always, that no valuer or umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners, or some Assistant Commissioner, or Justice of the Peace, a solemn declaration to the same purport and effect as the oath hereinbefore directed to be made by the said Commissioners, substituting only the proper description of such person instead of the word Commissioner, and adding to his signature the usual place of his residence, which declaration it shall be lawful for the said Commissioners, or any Assistant Commissioner or Justice, to administer; and every such declaration so made and subscribed shall be countersigned by the person before whom the same shall have been made, and shall be sent by him to the office of the Commissioners.

XXV. That the valuer or valuers or umpire may, if they think fit, use for the purposes of this Act any admeasurement, plan, or valuation previously made of the lands or tithes in question of the accuracy of which they shall be satisfied; and that it shall be lawful for the meeting at which such valuer or valuers shall be chosen to agree upon the adoption for the purposes aforesaid of any such admeasurement, plan, or valuation, and such agreement shall be binding upon the valuer or valuers; provided always, that three-fourths of the land owners in number and value shall concur therein.

XXVI. That after the 1st of October 1838 the Commissioners shall proceed in manner hereinafter mentioned, at such time and in such order as to them shall seem fit, either by themselves or by some Assistant Commissioner, to ascertain and award the total sum to be paid by way of rent-charge instead of the tithes of every parish in England and Wales in which no such agreement binding upon the whole parish as aforesaid shall have been made and confirmed as aforesaid; provided nevertheless, that if any proceeding shall be had towards making and executing any such agreement after the Commissioners shall have given or caused to be given notice of their intention to act as aforesaid in such parish, the Commissioners may refrain from acting upon such notice, if they shall think fit, until the result of such proceeding shall appear.

XXVII. That in every case in which the Commissioners shall intend making such award, notice thereof shall be given in such manner as to them shall seem fit; and after the expiration of twenty-one days after such notice shall have been given the Commissioners or some Assistant Commissioner shall, except in the cases for which provision is hereinafter made, proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale, and marketing, where such tithes have been taken in kind,) of the tithes of the said parish, according to the average of seven years preceding Christmas in the year 1835: Provided, that if during the said period of seven years, or any part thereof, the said tithes or any part thereof shall have been compounded for or demised to the owner or occupier of any of the said lands in consideration of any rent or payment instead of tithes, the amount of such composition or rent or sum agreed to be paid instead of tithes shall be taken as the clear value of the tithes included in such composition, demise, or agreement during the time for which the same shall have been made; and the Commissioners or Assistant Commissioner shall award the average annual value of the said seven years so ascertained as the sum to be taken for calculating the rent-charge to be paid as a permanent commutation of the said tithes: Provided also, that whenever it shall appear to the Commissioners that the party entitled to any such rent or composition shall in any one or more of the said seven years have allowed and made any abatement from the amount of such rent or composition on the ground of the same having in any such year or years been higher than the sum fairly payable by way of composition for the tithe, but not otherwise, then and in every such case such diminished amount, after making such abatement as aforesaid, shall be deemed and taken to have been the sum agreed to be paid for any such year or years: Provided also, that in estimating the value of the said tithes the Commissioners or Assistant Commissioner shall estimate the same without making any deduction therefrom on account of any parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable; and whenever the said tithes shall have been demised or compounded for on the principle of the rent or composition being paid free from all such rates, charges, and assessments, or any part thereof, the said Commissioners or Assistant Commissioner shall have regard to that circumstance, and shall make such an addition on account thereof as shall be an equivalent.

XXVIII. Provided, That in case notice in writing under the hand of any patron, or the hands of any land owners or tithe owners whose interest in the lands or tithes of the parish shall not be less than one half of the lands subject to tithes, one half of the great tithes or one half of the small tithes of the parish, shall be given to the Commissioners or Assistant Commissioner acting in that behalf, within one calendar month next after the notice of the intention to make an award shall have been given as aforesaid, that the average value to be ascertained as aforesaid will not fairly represent the sum which ought to be taken for calculating a permanent commutation of the great or small tithes of the said parish, the Commissioners shall have

power to diminish or increase the sum to be so taken by a sum amounting to not more than one fifth part of the average value ascertained as aforesaid: Provided always, that every case which shall appear to the Commissioners to be fraudulent or collusive, or which, by reason of the length of time which shall have elapsed since the making of any composition then in force, or which by reason of the peculiar interest in the lands or tithes of either of the parties to any composition, or by reason of any other special circumstances, ought in the judgment of the Commissioners to be separately adjudicated upon, shall be reserved for separate adjudication as hereinafter provided; and the Commissioners shall certify and report to one of His Majesty's principal Secretaries of State, under their hands and seals, before the 1st of May 1838, in what manner the discretion hereby vested in them ought in their judgment to be exercised, and shall in the said report lay down such rules for the guidance of the Assistant Commissioners as may to them seem expedient; and such report shall be laid before Parliament within six weeks after the same shall have been received or after the meeting of Parliament, and, unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners in the exercise of the discretion hereby vested in the Commissioners.

xxxix. That the Commissioners shall from time to time report to one of His Majesty's principal Secretaries of State, under their hands and seals, all the cases which under the power hereinbefore reserved to them in that behalf shall have been reserved for separate adjudication, and shall state in every such Report the reasons for so reserving every case mentioned therein, and the Commissioners shall in every such case award the rent-charge to be paid as a permanent commutation for tithes, having regard to the average rate which shall be awarded in respect of lands of the like description and similarly situated in the neighbouring parishes; provided always, that a draught of such intended award, with a copy of so much of the said Reports as is applicable to such award, shall be deposited in the parish; and the Commissioners, or an Assistant Commissioner to be specially appointed by the Commissioners for that purpose, shall hear and determine all objections to the award in the like manner as is herein provided in an ordinary case of award, and the Commissioners shall have power thereupon to amend the draught of the said award accordingly.

xl. That in case any of the lands in the parish shall be hop grounds, orchards, or gardens, and notice shall be given by the owner thereof to the Commissioners, or Assistant Commissioner acting in that behalf that the tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the tithes thereof according to the average rate of composition for the tithes of hops, fruit, and garden produce respectively during seven years preceding Christmas in the year 1835, within a district to be assigned in each case by the Commissioners or Assistant Commissioner, and estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

xli. That in case any of the lands in the parish shall be coppices, and notice shall be given by the owner thereof, or by the owner of the tithes thereof, to the Commissioners or Assistant Commissioner acting in that behalf that the tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the tithes thereof with a due regard to the average value, estimated according to the best of their judgment, of coppice wood of the same kind cut during the said period of seven years in that parish and the neighbouring parishes, estimating the same as chargeable to all parliamentary, parochial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the clear value of the tithes so estimated to the value of the other tithes of the parish ascertained as aforesaid; and the Commissioners shall, in the Report which they are hereinbefore required to make to one of His Majesty's principal Secretaries of State before the 1st of May 1838, lay down rules for the guidance of the Assistant Commissioners in estimating the value of the tithes of coppice wood, and, unless Parliament shall otherwise provide, such rules shall be observed by the said Commissioners and Assistant Commissioners.

xl.ii. That the amount which shall be charged by any such apportionment as hereinafter provided upon any hop grounds or market gardens in any district so to be assigned shall be distinguished into two parts, which shall be called the ordinary charge and the extraordinary charge, and the extraordinary charge shall be a rate per imperial acre, and so in proportion for less quantities of ground, according to the discretion of the valuers or Commissioners or Assistant Commissioner by whom the apportionment shall be made as aforesaid; and all lands whereof the tithes shall have been commuted under this Act, and which shall cease to be cultivated as hop grounds or market gardens at any time after such commutation, shall be charged after the 31st of December next following such change of cultivation only with the ordinary charge upon such lands; and all lands in any such district the tithes whereof shall have been commuted under this Act, and which shall be newly cultivated as hop grounds or market gardens at any time after such commutation, shall be charged with an additional amount of rent-charge per imperial acre, equal to the extraordinary charge per acre upon hop grounds or market gardens respectively in that district; provided always, that no such additional amount shall be charged or payable during the first year, and half only of such additional amount during the second year, of such new cultivation; and an additional rent-charge by way of extraordinary charge upon hop grounds and market gardens, newly cultivated as such beyond the limits of every district in which any extraordinary charge for hop grounds or market gardens respectively shall have been distinguished as aforesaid at the time of the commutation, shall be charged by the Commissioners at the time of such new cultivation, upon the request of any person interested therein, if such new cultivation shall have taken place during the continuance of the commission of the said Commissioners, and after the expiration of the commission shall be charged in such manner and by such authority as Parliament shall direct, and shall be payable and recoverable in like manner and subject to the same incidents in all respects as an extraordinary charge charged upon any hop grounds or market gardens at the time of commutation.

xl.iii. That in case any of the lands in the parish shall, during any part of the said period of seven years preceding Christmas in the year 1835 have been exempted from payment of tithes by reason of having been inclosed under any Act of Parliament or converted from barren heath or waste ground, or by reason of being glebe lands or of having been heretofore parcel of the possessions of any privileged order, and notice shall have been given as last aforesaid to the Commissioners or Assistant Commissioner acting in that behalf that the tithes thereof should be separately valued, the Commissioners or Assistant Commissioner shall estimate the value of the tithes thereof according to the average value which shall be ascertained as aforesaid in respect of lands of the like description and quality in that parish and the neighbouring parishes, or as near thereto as the circumstances of each case may in their judgment require, and estimating the same as chargeable to all parliamentary par-

chial, county, and other rates, charges, and assessments to which the said tithes are liable, and shall add the value so estimated to the value of the other tithes of the parish ascertained as aforesaid.

XLIV. That if any modus or composition real, or prescriptive or customary payment, shall be payable instead of the tithes of any of the lands or produce thereof in the said parish, the Commissioners or Assistant Commissioner shall in such case estimate the amount of such modus, composition, or payment as the value of the tithes payable in respect of such lands or produce respectively, and shall add the amount thereof to the value of the other tithes of the parish ascertained as aforesaid, and shall also make due allowance for all exemptions from or non-liability to tithes of any lands or any part of the produce of such lands: Provided also, that if it shall appear to the said Commissioners or Assistant Commissioner that any question concerning any modus or composition real, prescriptive or customary payment, or claim of exemption from or non-liability to the payment of tithes relating to the lands in question, shall have been decided by competent authority before the making of the said award, the Commissioners or Assistant Commissioners shall act on the principle established by such decision, and shall make their award as if such decision had been made at the beginning of the said period of seven years.

XLV. That if any suit shall be pending touching the right to any tithes, or if there shall be any question as to the existence of any modus or composition real, or prescriptive or customary payment, or any claim of exemption from or non-liability under any circumstances to the payment of any tithes in respect of any lands or any kind of produce, or touching the situation or boundary of any lands, or if any difference shall arise whereby the making of any such award by the Commissioners or Assistant Commissioner shall be hindered, it shall be lawful for the Commissioners or Assistant Commissioner to appoint a time and place in or near the parish for hearing and determining the same; and the decision of the Commissioners or Assistant Commissioner shall be final and conclusive on all persons, subject to the provisions hereinafter contained.

XLVI. Provided, That any person claiming to be interested in any lands or in the tithes thereof who shall be dissatisfied with any such decision of the Commissioners or Assistant Commissioner may, if the yearly value of the payment to be made or withheld according to such decision shall exceed the sum of £201., cause an action to be brought in any of His Majesty's courts of law at Westminster against the person in whose favour such decision shall have been made, within three calendar months next after such decision shall have been notified in writing, in such manner as the Commissioners or Assistant Commissioner shall direct, to the parties interested therein or to their known agents, in which action the plaintiff shall deliver a feigned issue, whereby such disputed right may be tried, and shall proceed to a trial at law of such issue at the sittings after the term or at the assizes then next or next but one after such action shall have been commenced to be holden for the county within which such lands or the greater part thereof are situated, with liberty nevertheless for the Court in which the same shall have been commenced or any Judge of His Majesty's courts of law at Westminster to extend the time for going to trial therein, or to direct the trial to be in another county if it shall seem fit to such Court or Judge so to do; and every defendant in any such action shall enter an appearance thereto, and accept such issue; but in case the parties shall differ as to the form of such issue, or in case the defendant shall fail to enter such appearance or accept such issue, then the same shall be settled under the direction of the Court in which the action shall be brought, or by any Judge of His Majesty's courts of law at Westminster, and the plaintiff may proceed thereon in like manner as if the defendant had appeared and accepted such issue; and the parties in such action shall produce to each other and their respective attorneys or counsel, at such time and place as any Judge may order before trial, and also to the Court and jury upon the trial of any such issue, all books, deeds, papers, and writings, terriers, maps, plans, and surveys relating to the matters in issue in their respective custody or power; and it shall be lawful for the Judge by whom any such action shall be tried, if he shall think fit, to direct the jury to find a verdict, subject to the opinion of the Court upon a special case; and the verdict which shall be given in any such action, or the judgment of the Court upon the case subject to which the same may be given, shall be final and binding upon all parties thereto, unless the Court wherein such action shall be brought shall set aside such verdict and order a new trial to be had therein, which it shall be lawful for the said Court to do, if it shall see fit: Provided also, that in case any such decision shall involve a question of law only, and the parties in difference shall be agreed upon the facts relating thereto, and whereon such decision shall have been founded, the said Commissioners or Assistant Commissioner, at the request of the person dissatisfied, (such request to be made in writing within three calendar months after such decision, and at least fourteen days previous notice in writing of such request to be given in like manner to the other parties in difference or to their known agents,) shall direct a case to be stated for the opinion of such one of His Majesty's courts of law at Westminster as the Commissioners or Assistant Commissioner shall think fit, which case shall be settled by them or him or under their or his direction in case the parties differ about the same, and may be set down for argument and be brought before the Court in like manner as other cases are brought before the Court; and the decision of such Court upon every case so brought before it shall be binding upon all parties concerned therein: Provided always, that after such verdict given and not set aside by the Court, or after such decision of the Court, the said Commissioners or Assistant Commissioner shall be bound by such verdict or decision; and the costs of every such action, or of stating such case and obtaining a decision thereon, shall be in the discretion of the Court in or by which the same shall be decided, which may order the same to be taxed by the proper officer of the Court, and the like execution may be had for the same as if such costs had been recovered upon a judgment of record of the said Court.

XLVII. That no proceeding of or before the Commissioners or any Assistant Commissioner, or in any action or in any case stated, or reference in pursuance of this Act, shall abate or cease by reason of the death of any person interested therein.

XLVIII. That if any person in whose favour any such decision of the Commissioners or any Assistant Commissioner shall have been made shall die before any such action shall have been brought or case stated, and before the expiration of the time hereinbefore limited for that purpose, it shall be lawful for every person who might have brought such action, or have had such case stated, against the person so dying, to bring or have the same, within the time so limited as aforesaid, nominally against such person as if living, and to serve the said Commissioners or Assistant Commissioner with process and notices relating thereto in the same manner as the person deceased might have been served therewith if living; and it shall be lawful for every person entitled to the benefit of such decision as aforesaid, or, in case of any such person being a minor, idiot, lunatic, feme covert, beyond the seas, or under any other legal disability, the guardian, trustee, committee of the estate, husband, or attor-

ney respectively, or in default thereof such person as may be nominated for that purpose by the Commissioners, and whom they are hereby empowered to nominate under their hands and seal, to appear and defend such action or argue such case; and proceedings shall be had therein in the same manner, and the rights of all persons shall be equally bound and concluded by the event of such action or the decision upon such case, as if such person had been living; and the costs of every such action or case shall be in the discretion of the Court as aforesaid.

XLIX. Provided, That nothing in this Act contained shall revive any right to tithes which now is or hereafter shall be barred by any law in force for shortening the time required in claims of *modus decimandi* or exemption from or discharge from tithes, or for the limitation of actions and suits relating to real property.

L. That as soon as all such suits and differences shall have been decided, or if there shall have been no suits or differences then as soon as the Commissioners or Assistant Commissioner shall have ascertained and estimated as aforesaid the total value of all the tithes of the said pariah, the Commissioners or Assistant Commissioner shall frame the draft of an award, declaring that the sum ascertained as aforesaid shall be the amount of the rent-charge to be paid in respect of the tithes of the said pariah, and every such draft shall contain all the particulars hereinbefore required to be inserted in any parochial agreement or any schedule thereto; provided always, that no such award shall be made for giving land instead of the tithes of the pariah.

LI. That as soon as the said draft shall have been made by the Commissioners or Assistant Commissioner they or he shall deposit a copy of the same and of any special report thereunto annexed at some convenient place within the said pariah for the inspection of all persons interested in the said lands or tithes, and shall forthwith give notice in such manner as to the Commissioners shall seem fit where the said copy may be inspected, and shall also in such notice appoint some convenient place and time (the first not earlier than twenty-one days from the first giving of such notice) for holding a meeting to hear objections to such intended award by any person interested therein; and the said Commissioners or Assistant Commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended award, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or tithes, or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections they or he shall amend the draft of such award accordingly, if they or he shall see occasion.

LII. That as soon as the Commissioners or Assistant Commissioner shall have made such amendments in the draft of the award as to them or him shall seem necessary, they or he shall cause the same to be fairly written, and shall sign and send it to the office of the Commissioners, and the Commissioners shall satisfy themselves that all the proceedings incident to the making of such award have been duly performed, and if they shall think that the award ought to be confirmed shall confirm the same under their hands and seal, and shall add to the award the date of such confirmation, and shall publish the fact of such confirmation and the date thereof in the pariah, in such manner as to them shall seem fit; and every such confirmed award shall be binding on all persons interested in the said lands or tithes.

LIII. That as soon as the Commissioners shall have confirmed any such award, the Commissioners or some Assistant Commissioner shall call a parochial meeting of the owners of land subject to tithes in the said pariah, for the purpose of choosing valuers to apportion the amount so awarded among the lands of the pariah, and shall give notice thereof in writing under their or his hand, to be fixed at least twenty-one days before such meeting on the principal outer door of the church or in some public and conspicuous place within the pariah; and valuers or a single valuer may be chosen at such meeting by the land owners then present in like manner, and the valuers so chosen shall act with the same powers and be subject to the same provisions, as if the rent-charge so awarded had been agreed to at a parochial meeting of the land owners and tithe owners of the pariah, and the valuers had been thereupon chosen as aforesaid.

LIV. That if upon the expiration of six calendar months after the day of the date of the confirmation of any agreement or award no valuer or valuers shall have been appointed, or the apportionment by such valuers or valuer shall not have been made and sent to the office of the Commissioners as hereinafter provided, it shall be lawful for the Commissioners or some Assistant Commissioner to apportion the rent-charge previously agreed or awarded to be paid among the lands of the said pariah, having regard to the average titheable produce and productive quality of the said lands, according to the discretion and judgment of the Commissioners or Assistant Commissioner, but subject to the provisions hereinafter contained, and so that the several lands may have the full benefit in each case of every *modus*, composition real, prescriptive and customary payment, and of every exemption from or non-liability to tithes relating to the said lands respectively, and having regard to the several tithes to which the said lands are severally liable.

LV. That a draught of every apportionment shall be made, and shall set forth the agreement or award, as the case may be, upon which such apportionment is founded, and every schedule thereunto annexed; and the said draught, or some schedule thereunto annexed, whether made by or under the direction of the valuers or Commissioners or Assistant Commissioners, shall state the name or description and the true or estimated quantity in statute measure of the several lands to be comprised in the apportionment, and shall set forth the names and description of the several proprietors and occupiers thereof, and whether the said several lands are then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, and shall refer, by a number set against the description of such lands, to a map or plan to be drawn on paper or parchment, and the same number shall be marked on the representation of such lands in the said map or plan; and the draught of the apportionment shall also state the amount charged upon the said several lands, and to whom and in what right the same shall be respectively payable.

LVI. That immediately after the passing of this Act, and also in the month of January in every year, the Comptroller of Corn Returns for the time being, or such other person as may from time to time be in that behalf authorized by the Privy Council, shall cause an advertisement to be inserted in the *London Gazette*, stating what has been, during seven years ending

on the Thursday next before Christmas Day then next preceding, the average price of an imperial bushel of British wheat, barley, and oats, computed from the weekly averages of the corn returns.

LVII. That every rent-charge charged upon any lands by any such intended apportionment shall be deemed at the time of the confirmation of such apportionment, as hereinafter provided, to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of wheat, barley, and oats as the same would have purchased at the prices so ascertained by the advertisement to be published immediately after the passing of this Act, in case one third part of such rent-charge had been invested in the purchase of wheat, one third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats, and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the draft of every apportionment.

LVIII. That it shall be lawful for the valuers or Commissioners or any Assistant Commissioner, upon the request of any land owner, at any time before the confirmation of the apportionment, to apportion the whole rent-charge intended to be charged upon any lands of such land owner held under the same title and for the same estate, in the same parish, specially upon the several closes or portions of such lands or according to an acreable rate or acreable rates, upon lands of different quality, in such manner and in such proportion, and to the exclusion of such of them, as the land owner, with the consent of the person entitled to such rent-charge, may direct, and the particulars of every such special apportionment shall be included in the draught of the apportionment and taken to be a part thereof: Provided always, that the extra expenses of every such special apportionment shall be borne by the party at whose instance the same shall have been made, and shall be recoverable as other costs of the apportionment are recoverable, and that no close of land shall be charged with any rent-charge or share of rent-charge on account of the tithes of any other lands, unless the value of such lands shall be at least three times the value of the whole rent-charge upon such lands.

LIX. That for the purpose of making any such apportionment, as well as for the purpose of making any award as hereinbefore provided, the Commissioners and Assistant Commissioners may employ such land surveyors and tithe valuers as to them shall seem fit, and may order them to be paid for valuing, surveying, mapping, and planning after any rate not exceeding two guineas to every such person for every day that he shall have been so employed, and may assess the same as part of the expenses of making their award or apportionment respectively; and the said Commissioners and Assistant Commissioners, and the land surveyors and tithe valuers employed by them respectively, shall have all the powers and be subject to all the provisions hereinbefore enacted concerning the valuers appointed at a parochial meeting, except that they shall not be bound to adopt any principles of apportionment agreed to at any parochial meeting: Provided always, that it shall be lawful for such Commissioners and Assistant Commissioners to make any agreement with any such land surveyors or tithe valuers for the payment to the same of one sum for the whole duty or any part thereof to be performed by them respectively.

LX. That the draught of every apportionment, whether made by or under the direction of the Commissioners or any Assistant Commissioner or by any valuer or valuers appointed as hereinbefore is provided, shall be signed by the person by or under whose direction it shall have been made, and shall be sent, together with the map or plan therein referred to, by the person by whom it is signed to the office of the Commissioners, or otherwise to some Assistant Commissioner, as the Commissioners may direct, with such proof as the Commissioners may require that every proceeding incident to the making of such draught of apportionment has been duly performed.

LXI. That as soon as the draught of any such apportionment, verified as aforesaid, shall have been sent to the Commissioners they shall cause a copy of the same to be deposited at some convenient place within the said parish for the inspection of all persons interested in the said lands or tithes, and shall forthwith cause notice to be given, in such manner as to them shall seem fit, where the said copy may be inspected, and shall also in such notice appoint some convenient place and such times as they shall think necessary (the first not earlier than twenty-one days from the first giving of such notice), for holding a meeting to hear objections to the intended apportionment by any person interested therein, and the said Commissioners or some Assistant Commissioner at such meeting as aforesaid shall hear and determine any objections which may be then and there made to the said intended apportionment, or adjourn the further hearing thereof, if they or he shall think proper, to a future meeting, and may, if they or he shall see occasion, direct any further valuation of the lands or any of them, and from time to time fix further meetings for the hearing and determining of objections, of which further meetings, when not holden by adjournment, notice shall be given in manner hereinbefore directed with regard to the original meeting; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such objections, they and he are and is hereby required to cause such apportionment to be amended accordingly if they or he shall see occasion.

LXII. That it shall be lawful for the owner of any lands chargeable with any such rent-charge to agree, at any time before the confirmation of any such instrument of apportionment, with any ecclesiastical person being the owner of the tithes thereof in right of any spiritual benefice or dignity, for giving land instead of the rent-charge charged or about to be charged upon his lands; and every such agreement shall be made under the hands and seals of the land owner and tithe owner, and shall contain all the particulars hereinbefore required to be inserted in a parochial agreement for giving land instead of tithes or rent-charge: Provided always, that no such tithe owner shall be enabled to take or hold more than twenty imperial acres of land in the whole by virtue of any such agreement or agreements made in the same parish; and the same consent and confirmation relatively to the lands and tithes comprised in the said agreement shall be necessary to any such agreement as in the case of a parochial agreement for giving land instead of tithes; and all the provisions hereinbefore contained concerning a parochial agreement for giving land shall be applicable to every such agreement as hereinbefore last mentioned, so far as concerns the lands and tithes comprised in the said agreement: Provided also, that any amendment which shall be made in the draft of apportionment before confirmation thereof, and subsequent to any such agreement for giving land instead of rent-charge, whereby the charge upon the lands referred to in such agreement shall be altered, shall be taken to annul the execution of such agreement for giving land, and any consent which may have been necessary thereunto.

LXIII. That after such proceedings as aforesaid shall have been had, and all such objections, if any, shall have been finally disposed of, the Commissioners or Assistant Commissioner shall cause the instrument of apportionment to be ingrossed on

parchment, and shall annex the map or plan thereunto belonging to the ingrossed instrument of apportionment, and shall sign the instrument of apportionment and the map or plan, and shall send both to the office of the Commissioners, and if the Commissioners shall approve the apportionment they shall confirm the instrument of apportionment under their hands and seal, and shall add thereunto the date of such confirmation.

LXIV. That two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving land instead of any tithes or rent-charge, shall be made and sealed with the seal of the said Commissioners, and one such copy shall be deposited in the registry of the diocese within which the parish is situated, to be there kept among the records of the said registry, and the other copy shall be deposited with the incumbent and church or chapel wardens of the parish for the time being, or such other fit persons as the Commissioners shall approve, to be kept by them and their successors in office with the public books, writings, and papers of the parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy on giving reasonable notice to the person having custody of the same, and on payment of 2s. 6d. for such inspection, and after the rate of 3d. for every seventy-two words contained in such copy or extract; and every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.

LXV. That the Commissioners, if they shall see fit, before confirming any agreement, award, or apportionment, may require notice thereof to be given in such manner as they shall direct to the person next in remainder, reversion, or expectancy of an estate of inheritance in any lands or tithes, or any other person to whom they may think notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any objection made to such confirmation by any person interested therein, and may direct any award or apportionment to be amended accordingly.

LXVI. That no confirmed agreement, award, or apportionment shall be impeached after the confirmation thereof by reason of any mistake or informality therein or in any proceeding relating thereunto.

LXVII. That from the first day of January next following the confirmation of every such apportionment the lands of the said parish shall be absolutely discharged from the payment of all tithes, except so far as relates to the liability of any tenant at rack rent dissenting as hereinafter provided, and instead thereof there shall be payable thenceforth to the person in that behalf mentioned in the said apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of wheat, barley, and oats respectively mentioned therein to be payable instead of the said tithes, in the nature of a rent-charge issuing out of the lands charged therewith; and such yearly sum shall be payable by two equal half-yearly payments on the first day of July and the first day of January in every year, the first payment, except in the case of barren reclaimed lands, as hereinafter provided, being on the first day of July next after the lands shall have been discharged from tithes as aforesaid, and such rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress and entry as hereinafter mentioned; and after every first day of January the sum of money thenceforth payable in respect of such rent-charge shall vary so as always to consist of the price of the same number of bushels and decimal parts of a bushel of wheat, barley, and oats respectively, according to the prices ascertained by the then next preceding advertisement, and any person entitled from time to time to any such varied rent-charge shall have the same powers for enforcing payment thereof as are herein contained concerning the original rent-charge: Provided always, that nothing herein contained shall be taken to render any person whomsoever personally liable to the payment of any such rent-charge: Provided always, that the rent-charge which shall be apportioned upon any lands in the said parish which during any part of the said period of seven years preceding Christmas 1835 were exempted from tithes by reason of having been inclosed under any Act of Parliament, or converted from barren heath or waste ground, shall be payable for the first time on the first day of July or first day of January next following the confirmation of the apportionment which shall be nearest to the time at which tithes were or would have become payable for the first time in respect of the said lands if no commutation thereof had taken place.

LXVIII. That from the first day of January next following the confirmation of every parochial or other agreement for giving land instead of any tithes or rent-charge, the lands of the parish in which any such agreement shall be made shall be absolutely discharged from the payment of the tithes or rent-charge for which it shall have been agreed that such land shall be given.

LXIX. That every rent-charge payable as aforesaid instead of tithes shall be subject to all parliamentary, parochial, and county and other rates, charges, and assessments, in like manner as the tithes commuted for such rent-charge have heretofore been subject.

LXX. That all rates and charges to which any such rent-charge is liable shall be assessed upon the occupier of the lands out of which such rent-charge shall issue, and in case the same shall not be sooner paid by the owner of the rent-charge for the time being may be recovered from such occupier in like manner as any poor rate assessed on him in respect of such lands; and any occupier holding such lands under any landlord and who shall have paid any such rate or charge in respect of any such rent-charge shall be entitled to deduct the amount thereof from the rent next payable by him to his landlord for the time being, and shall be allowed the same in account with his landlord; and any landlord or owner in possession who shall have paid any such rate or charge, or from whose rent the amount of any such rate or charge in respect of any such rent-charge shall have been so deducted, or who shall have allowed the same in account with any tenant paying the same, shall be entitled to deduct the amount thereof from the rent-charge, or by all other lawful ways and means to recover the same from the owner of the rent-charge, his executors and administrators; provided, that the owner of every such rent-charge shall have and be entitled to the like right of demanding, inspecting, and taking copies of every assessment containing such rate or charge, and of appeal against the same, and the like power of prosecuting such appeal, and the like remedies in respect thereof, as any occupier or rate-payer has or may have in the case of poor rates, although such rate or charge is herein made assessable upon the occupier, and the owner of the rent-charge is not mentioned by name in such assessment.

LXXI. That any person having any interest in or claim to any tithes, or to any charge or incumbrance upon any tithes, before the passing of this Act, shall have the same right to or claim upon the rent-charge for which the same shall be commuted as he had to or upon the tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the rent-charge had accrued after the commutation; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced; and every estate for life, or other greater estate, in any such rent-charge, shall be taken to be an estate of freehold; and every estate in any such rent-charge shall be subject to the same liabilities and incidents as the like estate in the tithes commuted for such rent-charge; and where any lands were exempted from tithe whilst in the occupation of the owner thereof by reason of being glebe or of having been heretofore parcel of the possessions of any privileged order, the same lands shall be in like manner exempted from the payment of the rent-charge apportioned on them whilst in the occupation of the owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed any tithes are authorized to be sold, exchanged, appropriated, or applied in any way, the rent-charges for which such tithes may be commuted under the provisions of this Act, or any part thereof, shall or may be saleable or exchangeable, appropriated and applied, to all intents and purposes, in like manner as such tithes, and the same powers of sale, exchange, and appropriation shall in all such cases extend to and may be exercised in respect of the said commutation rent-charges; and the money to arise by the sale of such rent-charges shall or may be invested, appropriated, and applied to the same purposes and in like manner as the money to arise by the sale of any such tithes might have been invested, appropriated, and applied under such particular Act or Acts in case this Act had not been passed: and no such rent-charge shall merge or be extinguished in any estate of which the person for the time being entitled to such rent-charge may be seised or possessed in the lands on which the same shall be charged: Provided always, that it shall be lawful for any person seised in possession of an estate in fee simple or fee tail of any tithes or rent-charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the said Commissioners shall approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands on which the same shall have been charged.

LXXII. That if at any time subsequent to the confirmation of any such instrument of apportionment the owner of any lands charged with any such rent-charge shall be desirous that the apportionment thereof shall be altered, it shall be lawful for the Commissioners of Land Tax for the county or place where the said lands are situate, or any three of them, to alter the apportionment in such manner and in such proportion and to the exclusion of such of the lands as the land owner, with the consent of two Justices of the Peace acting for the county, riding, division or other jurisdiction in which the lands are situated, may direct; and such altered apportionment shall be made by an instrument in writing under the hands and seals of the said Commissioners of Land Tax and of the said land owner and Justices, of the like form and tenor as to the said lands as the original apportionment, and bearing date the day of its execution by the said Commissioners of Land Tax, subject to the provision hereinbefore contained with respect to the value of lands on which any rent-charge may be charged on account of the tithes of any other lands; and every such altered apportionment shall be as valid as if made and confirmed by the tithe Commissioners as aforesaid, and shall be taken to be an amendment of the original apportionment; and in every such case two counterparts of the instrument of altered apportionment, under the hands and seals of the said Commissioners of Land Tax and Justices and land owner, shall be sent, one to the registrar of the diocese, and one to the incumbent and church or chapel wardens, or other person having the custody of the other copy of the original instrument of apportionment; and one counterpart shall be annexed to the copy of the instrument of apportionment in the custody of the registrar and such other person respectively, and taken to be an amendment thereof; and thenceforward such lands shall be charged only according to such altered apportionment; and all expenses of such alteration shall be borne by the land owner desiring the same.

LXXIII. That the Commissioners or Assistant Commissioner, in any case where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, contracts, agreements, accounts, or writings, terriers, maps, plans, and surveys, or copies thereof, and all other expenses (except the salary or allowance to any Commissioner or Assistant Commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any award or apportionment before the said Commissioners or any Assistant Commissioner, to be paid by such parties interested in the production thereof respectively or in the event of such suit, difference, or objection, and in such proportions, as the Commissioners or Assistant Commissioner shall think fit and reasonable.

LXXIV. The allowances to and expenses of land surveyors and tithe valuers necessary for making any award, and all other expenses of or incident to making the said award, except the salary or allowance to any Commissioner or Assistant Commissioner, and except any expenses which the Commissioners or any Assistant Commissioner, or any court or arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the land owners and tithe owners interested in the said award, in such proportion, time, and manner as the Commissioners or Assistant Commissioner shall direct.

LXXV. That all the expenses of or incident to making any apportionment (except the salary or allowance to any Commissioner or Assistant Commissioner, and except any expense which the Commissioners or Assistant Commissioner may be authorized and may have ordered to be otherwise paid,) shall be borne and paid by the owners of lands included in the apportionment in rateable proportion to the sum charged on the said lands in lieu of tithes by such apportionment.

LXXVI. That if any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be lawful for the Commissioners or some Assistant Commissioner to certify under their or his hand the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him and upon the production of such certificate before any two Justices of the Peace for the county or other jurisdiction wherein the lands mentioned in the agreement or award or apportionment are situate, such Justices, upon the non-payment thereof, are hereby required by warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any), after deducting the charges of the distress and sale, to the person distrained upon.

LXXVII. That every owner of an estate in land of tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the Commissioners, and in such manner as they

may direct, charge so much of the expenses of commutation as is to be defrayed by him or any part thereof, and the interest thereon after the rate of 4*l.* by the hundred upon the lands whereof the tithes are commuted or upon the rent-charge to be received by him instead of such tithes respectively, but so nevertheless that the charge upon such lands or rent-charge respectively shall be lessened in every year following such commutation by one twentieth part at least of the whole original charge thereon.

LXXVIII. That every ecclesiastical beneficed person who shall commute the tithes of his benefice under this Act may advance or borrow the sum necessary to defray so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and as a security for repayment may charge or assign the rent-charge to be received instead of such tithes for twenty years, or until the principal sum advanced or borrowed, and the interest thereon after the rate of 4*l.* by the hundred, and the expenses of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within one calendar month next following, and also an instalment at the rate of 5*l.* for every 100*l.* of the principal sum advanced or borrowed, and in default of such payment the ordinary may sequester the profits of the benefice until such payments shall be made, provided that the sum to be so advanced or borrowed shall be ascertained and certified under the hand of any Commissioner or Assistant Commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such ecclesiastical beneficed person in relation to such commutation.

LXXIX. That any tenant or occupier who at the time of such commutation shall occupy at rack rent any lands of which the tithes shall be so commuted may, within one calendar month next after the confirmation of the apportionment by the Commissioners, signify, by writing under his hand given to or left at the usual residence of his landlord or his agent, his dissent from being bound to pay any rent-charge apportioned and charged on the said lands as aforesaid, and in that case such landlord shall be entitled, from the time when the said apportionment shall take effect, and during the tenancy or occupation of such tenant or occupier, to stand, as to the perception and collection of tithes, or receipt of any composition instead thereof, in the place of the owner of the tithes so commuted, and to have all the powers and remedies for enforcing render and payment of such tithes or composition which the tithe owner would have had if the commutation had not taken place.

LXXX. That any tenant or occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such rent-charge as aforesaid, or who shall hold his lands under a lease or agreement providing that the same shall be holden and enjoyed by him free of tithes, and every tenant or occupier who shall occupy any lands by any lease or agreement made subsequently to such commutation, and who shall pay any such rent-charge, shall be entitled to deduct the amount thereof from the rent payable by him to his landlord, and shall be allowed the same in account with the said landlord.

LXXXI. That in case the said rent-charge shall at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any landlord may for arrears of rent reserved on a common lease for years; provided that not more than two years arrears shall at any time be recoverable by distress.

LXXXII. That in case the said rent-charge shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any Judge of His Majesty's courts of record at Westminster, upon affidavit of the facts, to order a writ to be issued, directed to the sheriff of the county in which the lands chargeable with the rent-charge are situated requiring the said sheriff to summon a jury to assess the arrears of rent-charge remaining unpaid, and to return the inquisition thereupon taken to some one of His Majesty's courts of law at Westminster, on a day therein to be named, either in term time or vacation; a copy of which writ, and notice of the time and place of executing the same, shall be given to the owner of the land, or left at his last known place of abode, or with his known agent, ten days previous to the execution thereof; and the sheriff is hereby required to execute such writ according to the exigency thereof; and the costs of such inquisition shall be taxed by the proper officer of the court; and thereupon the owner of the rent-charge may sue out a writ of *habere facias possessionem*, directed to the sheriff, commanding him to cause the owner of the rent-charge to have possession of the lands chargeable therewith until the arrears of rent-charge found to be due, and the said costs, and also the costs of such writ and of executing the same, and of cultivating and keeping possession of the lands, shall be fully satisfied: Provided always, that not more than two years arrears over and above the time of such possession shall be at any time recoverable.

LXXXIII. That it shall be lawful for the Court out of which such writ shall have been issued, or any Judge at chambers, to order the owner of the rent-charge who shall be in possession by virtue of such writ from time to time to render an account of the rents and produce of the lands and of the receipts and payments in respect of the same, and to pay over the surplus (if any) to the person for the time being entitled thereto, after satisfaction of such arrears of rent-charge and all costs and expenses as aforesaid, and thereupon to order a writ of *supersedeas* to issue to the said writ of *habere facias possessionem*, and also by rule or order of such Court or Judge from time to time to give such summary relief to the parties as to the said Court or Judge shall seem fit.

LXXXIV. That in all cases in which it shall be necessary to make any distress under this Act in respect of any lands in the possession of any person of the persuasion of the people called Quakers, the same may be made upon the goods, chattels, or effects of such person, whether on the premises or elsewhere, but nevertheless to the same amount only and with the same consequences in all respects as if made on the premises; and that in all cases of distress under this Act upon persons of that persuasion the goods, chattels, or effects which may be distrained shall be sold without its being necessary to impound or keep the same: Provided always, that no writ under the provision hereinbefore contained shall be issued for assessing or recovering any rent-charge payable under this Act in respect of any lands in the possession of any person of the persuasion aforesaid, unless the same shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, without the

person entitled thereto being able to find goods, chattels, or effects either on the premises or elsewhere liable to be distrained as aforesaid sufficient to satisfy the arrears to which such lands are liable, together with the reasonable costs of such distress.

LXXXV. That whenever any rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any apportionment which may have been made of any such rent-charge, every part of the land situate in the parish in which such rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the lands on which such rent-charge so in arrear shall have been charged, whether such land shall be occupied by the person occupying the same as the owner thereof, or as tenant thereof, holding under the same landlord under whom he occupies the land on which such rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such rent-charge, whether chargeable on the lands on which such distress is taken or such entry made, or upon any other part of the lands so occupied or holden: Provided always, that no land shall be liable to be distrained or entered upon for the purpose of satisfying any such rent-charge charged upon lands which shall have been washed away by the sea, or otherwise destroyed by any natural casualty.

LXXXVI. That the several provisions of an Act, 4 & 5 Will. 4, intituled, 'An Act to amend an Act of the Eleventh Year of King George the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments,' shall extend to all rent-charges payable under this Act.

LXXXVII. That if any barns or buildings belonging to any tithe owner having a limited estate or interest therein, which shall have been generally used for the housing of tithes paid in kind, shall be rendered in the whole or in part useless by reason of any commutation of tithes under this Act, it shall be lawful for every such tithe owner (with the consent, nevertheless, of the Commissioners, and subject to such directions as they may give, to be signified under their hands and seal,) to pull down any such barns or buildings or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings or homesteads thereunto belonging, in such manner as the Commissioners may direct; and upon payment of the consideration money it shall be lawful for every such tithe owner (with such consent as aforesaid) to convey and deliver the premises sold as aforesaid to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct; and the consideration money in each case shall be paid to such tithe owner, and his receipt shall be a good discharge to the purchaser; and such tithe owner shall lay out and invest the consideration money in such manner and for such trusts as the Commissioners shall direct for the benefit of the persons entitled to the said rent-charge.

LXXXVIII. That it shall be lawful for the lessee being in occupation of any tithes commuted under this Act, by an instrument in writing under his hand and seal, to be made in such form as the Commissioners shall direct, and confirmed under their seal, to surrender and make void the lease by which the said tithes are held or enjoyed by such lessee at the time of the commutation, so far as the same may relate to the said tithes; and it shall be lawful for the Commissioners, by the same instrument, to direct what compensation (if any) shall be given by the immediate lessor of any lessee at rack rent so surrendering any lease of any such tithes to such lessee, and what allowance (if any) shall be made by any lessee to his immediate lessor of any such surrendered lease, in consideration of the non-fulfilment of any conditions contained in such lease, and what deduction (if any) shall be made from the rent thenceforth payable by any lessee to his immediate lessor in respect of other hereditaments which may have been included with the said tithes in any such lease: Provided always, that any intermediate lessor to whom any such lease shall have been surrendered shall as regards his immediate lessor be taken to be the lessee in occupation of the tithes included in the said lease.

LXXXIX. That nothing in this Act contained shall affect any right to any tithes which shall have become due before the commutation.

XC. That nothing in this Act contained, unless by special provision to be inserted in some parochial agreement and specially approved by the Commissioners, in which case the same shall be valid, shall extend to any Easter offerings, mortuaries, or surplice fees, or to the tithes of fish or of fishing, or to any personal tithes other than the tithes of mills, or any mineral tithes, or to any payment instead of tithes arising or growing due within the city of London, or to any permanent rent-charge or other rent or payment in lieu of tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements the tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.

XCI. That no advertisement inserted by direction of the Commissioners or any Assistant Commissioner, or by any tithe owner or land owner, in the *London Gazette*, or in any newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

XCII. That the said Commissioners may receive and send by the General Post from and to places in England and Wales all letters and packets relating exclusively to the execution of this Act free from the duty of postage, provided that such letters and packets as shall be sent to the said Commissioners be directed to the "Tithe Commissioners for England and Wales," at their office in London, and that all such letters and packets as shall be sent by the said Commissioners shall be in covers, with the words "Tithe Commissioners for England and Wales" printed on the same, and be signed on the outside thereof under such words with the name of such person in his own handwriting as the said Commissioners, with the consent of the Lords Commissioners of the Treasury or any three or more of them, shall appoint, (such name to be from time to time sent to the Secretary of the General Post Office in London,) and be sealed with the seal of the said Commissioners, and under such other regulations as the said Lords Commissioners or any three or more of them shall think fit; and if the person so to be appointed shall subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any letter, paper, or writing, or any

inclosure, other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of 100*l.* and be dismissed from his office, one moiety of such penalty shall be paid to the use of His Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; and every such penalty may be sued for and recovered in any of His Majesty's courts of record in Westminster.

XCIII. That if any person under the provisions of this Act shall wilfully give false evidence he shall be deemed guilty of perjury; and if any person shall make or subscribe a false affidavit or declaration for the purposes of this Act he shall suffer the penalties of perjury; and if any person shall wilfully refuse to attend in obedience to any lawful summons of any Commissioner or Assistant Commissioner, or to give evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any book, deed, contract, agreement, account, or writing, terrier, map, plan, or survey, or any copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a misdemeanor.

XCIV. That no action or suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, valuer, umpire, or surveyor, for anything done under the authority of this Act, until twenty-one days notice thereof shall have been given in writing to the party against whom such action or suit is intended to be brought, or after sufficient satisfaction or tender of amends shall have been made to any party aggrieved, or after three calendar months shall have expired from the commission of the act for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried in the county or place where the cause of action shall have arisen, and not in any other county or place; and if it shall appear that such notice of action or suit was brought before twenty-one days notice thereof given as aforesaid, or that sufficient amends were made or tendered as aforesaid, or if any such action or suit shall not be commenced within the time before limited in that behalf, or such action shall be laid in any county or place other than as aforesaid, then the jury shall find a verdict for the defendant therein, or the Court, upon summary application by motion in any such suit, may dismiss the same against such defendant; and if a verdict shall be found for such defendant, or such suit shall be dismissed upon application as aforesaid, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if upon any demurrer in such action or suit judgment shall be given for the defendant therein, then such defendant shall have costs, charges, and expenses as between attorney and client.

XCV. That no order, adjudication, or proceeding made or had by or before the Commissioners or any Assistant Commissioner under the authority of this Act, or any proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removeable by certiorari, or any other writ or process, into any of His Majesty's courts of record at Westminster or elsewhere.

XCVI. That this Act shall extend only to England and Wales.

XCVII. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXXV.

AN ACT for Marriages in *England*.

(17th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. After 1st of March 1837 all rules prescribed by the rubrick to continue to be observed.—*Marriages may be solemnized on production of Registrar's certificate.*
2. *Marriages of Quakers and Jews.*
3. *Superintendent Registrar of Births to be Superintendent Registrar of Marriages.*
4. *Notice of every intended marriage to be given to the Superintendent Registrar of the district.*
5. *Superintendent Registrar to keep notices in a book.*
6. *Notices to be read at meetings of guardians.*
7. *After seven days, or twenty-one days, certificate of notice to be given upon demand.*
8. *Forms of certificates to be furnished.—Certificates for marriage by licence to be distinguishable from other certificates.*
9. *Issue of Superintendent Registrar's certificate may be forbidden.*
10. *Consent.*
11. *Superintendent Registrar may grant licences for marriage.—Superintendent Registrar to give security.—Proviso.*
12. *Certificate to be given before the licence is granted.*
13. *Caveat may be lodged with Superintendent Registrar against grant of licence or certificate.*
14. *Marriages not to be solemnized until after twenty-one days after entry of notice, unless by licence.*
15. *New notice required after three months.*
16. *Superintendent Registrar's certificate or licence to be delivered to the person by or before whom the marriage is solemnized.*
17. *Superintendent Registrar may appoint Registrars of Marriages.*
18. *Places of worship may be registered for solemnizing marriages therein.*
19. *On removal of the same congregation the new place of worship may be immediately registered, instead of the one dissolved.*
20. *Marriages may be solemnized in such registered places, in the presence of some Registrar and of two witnesses.*
21. *Marriages may be celebrated before the Superintendent Registrar.*

22. *Marriage fees to the Registrar.*
23. *Registrar to register all marriages solemnized before him in books to be sent by the Registrar General.*
24. *Copies of the Marriage Register Book to be given quarterly to the Superintendent Registrar.*
25. *Proof of residence of parties, or consent, not necessary to establish the marriage.*
26. *Bishops, with consent of patrons, may license chapels for the solemnization of marriages in populous places.*
27. *Appropriation of fees on marriages performed in such chapels.*
28. *Patron or incumbent may appeal to the Archbishop against such licences.*
29. *Notice of such licences to be affixed in chapels.*
30. *Marriages performed in such chapels to be under the same regulations as those performed in parish churches.*
31. *Option to parties to be married at parish church.*
32. *Bishop, with consent of Archbishop, may revoke such licences ;*
33. *In which case registers to be sent to the incumbent of the parish church.*
34. *Registrars of dioceses to send to the Register Office, yearly, lists of licensed chapels within their districts.—List of all chapels and buildings registered to be printed.*
35. *Marriages under this Act cognizable.*
36. *Registrar may ask certain particulars of parties.*
37. *Persons vexatiously entering caveat liable to costs and damages.*
38. *Persons making false declarations, &c. guilty of perjury.*
39. *Persons unduly solemnizing marriages guilty of felony.*
40. *Superintendent Registrars unduly issuing certificates guilty of felony.*
41. *Limitation of prosecution.*
42. *Marriages void if unduly solemnized with the knowledge of both parties.*
43. *In cases of fraudulent marriages, the guilty party to forfeit all property accruing from the marriage as in 4 Geo. 4. c. 76.*
44. *Provisions of Registry Act extended to this Act.*
45. *Extent of Act.*

By this ACT,

After reciting that it is expedient to amend the law of marriages in England,—

It is Enacted,

That after the 1st of March 1837, notwithstanding anything in this Act contained, all the rules prescribed by the rubrick concerning the solemnizing of marriages shall continue to be duly observed by every person in holy orders of the Church of England who shall solemnize any marriage in England : Provided always, that where by any law or canon in force before the passing of this Act it is provided that any marriage may be solemnized after publication of banns, such marriage may be solemnized in like manner on production of the Registrar's certificate as hereinafter provided ; provided also, that nothing in this Act contained shall affect the right of the Archbishop of Canterbury and his successors, and his and their proper officers, to grant special licences to marry at any convenient time and place, or the right of any surrogate or other person now having authority to grant licences for marriages.

II. That the Society of Friends commonly called Quakers, and also persons professing the Jewish religion, may continue to contract and solemnize marriage according to the usages of the said society and of the said persons respectively ; and every such marriage is hereby declared and confirmed good in law, provided that the parties to such marriage be both of the said society, or both persons professing the Jewish religion respectively, provided also, that notice to the Registrar shall have been given, and the Registrar's certificate shall have issued in manner hereinafter provided.

III. That the Superintendent Registrar of births and deaths of every union, parish, or place shall be, in right of his office, Superintendent Registrar of marriages within such union, parish, or place, and that such union, parish, or place shall be deemed the district of such Superintendent Registrar of marriages.

IV. That in every case of marriage intended to be solemnized in England after the said 1st of March according to the rites of the Church of England, (unless by licence or by special licence, or after publication of banns,) and in every case of marriage intended to be solemnized in England after the said 1st of March according to the usages of the Quakers or Jews, or according to any form authorized by this Act, one of the parties shall give notice under his or her hand, in the form of Schedule (A.) to this Act annexed, or to the like effect, to the Superintendent Registrar of the district within which the parties shall have dwelt for not less than seven days then next preceding, or if the parties dwell in the districts of different Superintendent Registrars shall give the like notice to the Superintendent Registrar of each district, and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, and the time not being less than seven days during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized ; provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

V. That the Superintendent Registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book, to be for that purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," the cost of providing which shall be defrayed in like manner as the cost of providing register books of births and deaths ; and the Marriage Notice Book shall be open at all reasonable times without fee to all persons desirous of inspecting the same ; and for every such entry the Superintendent Registrar shall be entitled to have a fee of 1s.

VI. That if such Superintendent Registrar shall be clerk to the guardians of any poor law union, or of any parish or place comprising the district for which such Superintendent Registrar shall act, he shall read such notices as hereinafter directed ; and if he shall not be such clerk, then he shall transmit to such clerk on the day previous to each weekly meeting of such guardians all such notices of intended marriage as he shall have received on or since the day previous to the weekly meeting

immediately preceding the same; and such clerk shall read such notices immediately after the minutes of the proceedings of such guardians at their last meeting shall have been read; and such notices shall be so read three several times in three successive weeks at the weekly meetings of such guardians, unless in any case licence for marriage shall be sooner granted, and notice of such licence being granted shall have been given to such clerk: Provided also, that if it shall happen that the board of guardians of any such union, parish, or place shall not so meet, it shall be sufficient for the purposes of this Act, that such notices shall be read at any meeting of such guardians which shall be held within twenty-one days from the day of such notice being entered.

VII. That after the expiration of seven days if the marriage is to be solemnized by licence, or of twenty-one days if the marriage is to be solemnized without licence, after the entry of such notice, the Superintendent Registrar, upon being requested so to do, by or on behalf of the party by whom the notice was given, shall issue under his hand a certificate in the form of Schedule (B.) to this Act annexed, provided that no lawful impediment be shewn to the satisfaction of the Superintendent Registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned by any person or persons authorized in that behalf as hereinafter is provided; and every such certificate shall state the particulars set forth in the notice, the day on which the notice was entered, and that the full period of seven days or of twenty-one days (as the case may be) has elapsed since the entry of such notice, and that the issue of such certificate has not been forbidden by any person or persons authorized in that behalf; and for every such certificate the Superintendent Registrar shall be entitled to have a fee of 1s.

VIII. That the Registrar General shall furnish to every Superintendent Registrar a sufficient number of forms of certificates, the cost of which shall be accounted for by the Superintendent Registrar to the Registrar General; and in order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a watermark in the form of the word "Licence," in roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence shall be written or printed; and every certificate to be issued for marriage by licence shall be printed with red ink, and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificate shall be used from time to time as shall seem fit to the Registrar General.

IX. That any person authorized in that behalf may forbid the issue of the Superintendent Registrar's certificate by writing at any time before the issue of such certificate the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and in case the issue of any such certificate shall have been so forbidden the notice and all proceedings thereupon shall be utterly void.

X. That after the said 1st of March the like consent shall be required to any marriage in England solemnized by licence as would have been required by law to marriages solemnized by licence immediately before the passing of this Act; and every person whose consent to a marriage by licence is required by law is hereby authorized to forbid the issue of the Superintendent Registrar's certificate, whether the marriage is intended to be by licence or without licence.

XI. That after the said 1st of March every Superintendent Registrar shall have authority to grant licences for marriage in any building registered as hereinafter provided within any district under his superintendence, or in his office, in the form of Schedule (C.) to this Act annexed, and for every such licence shall be entitled to have of the party requiring the same the sum of 3s. above the value of the stamps necessary on granting such licence; and every Superintendent Registrar shall four times in every year, on such days as shall be appointed by the Registrar General, make a return to the Registrar General of every licence granted by him since his last return and of the particulars stated concerning the parties: Provided always, that no Superintendent Registrar shall grant any such licence until he shall have given security by his bond in the sum of 100l. to the Registrar General for the due and faithful execution of his office: Provided also, that nothing herein contained shall authorize any Superintendent Registrar to grant any licence for marriage in any church or chapel in which marriages may be solemnized according to the rites of the Church of England, or in any church or chapel belonging to the Church of England or licensed for the celebration of divine worship according to the rites and ceremonies of the Church of England, or any licence for marriage in any registered building which shall not be within his district.

XII. That before any licence for marriage shall be granted by any such Superintendent Registrar one of the parties intending marriage shall appear personally before such Superintendent Registrar, and in case the notice of such intended marriage shall not have been given to such Superintendent Registrar, shall deliver to him the certificate of the Superintendent Registrar or Superintendent Registrars to whom such notice shall have been given, and such party shall make oath, or shall make his or her solemn affirmation or declaration instead of taking an oath, that he or she believeth that there is not any impediment of kindred or alliance or other lawful hindrance to the said marriage, and that one of the said parties hath for the space of fifteen days immediately before the day of the grant of such licence had his or her usual place of abode within the district within which such marriage is to be solemnized, and where either of the parties, not being a widower or widow, shall be under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person having authority to give such consent, as the case may be; and all such licences and declarations shall be respectively liable to the same stamp duties as licences for marriage granted by the Ordinary of any diocese, and affidavits made in order to procure the same.

XIII. That any person, on payment of 5s., may enter a caveat with the Superintendent Registrar against the grant of a certificate or a licence for the marriage of any person named therein; and if any caveat be entered with the Superintendent Registrar, such caveat being duly signed by or on behalf of the person who enters the same, together with his or her place of residence, and the ground of objection on which his or her caveat is founded, no certificate or licence shall issue or be granted until the Superintendent Registrar shall have examined into the matter of the caveat, and is satisfied that it ought not to obstruct the grant of the certificate or licence for the said marriage, or until the caveat be withdrawn by the party who entered the same; provided that in cases of doubt it shall be lawful for the Superintendent Registrar to refer the matter of any such

caveat to the Registrar General, who shall decide upon the same : Provided likewise, that in case of the Superintendent Registrar refusing the grant of the certificate or licence, the person applying for the same shall have a right to appeal to the Registrar General, who shall thereupon either confirm the refusal or direct the grant of the certificate or licence.

XIV. That after the said 1st of March no marriage after such notice as aforesaid, unless by virtue of a licence to be granted by the Superintendent Registrar, shall be solemnized or registered in England until after the expiration of twenty-one days after the day of the entry of such notice as aforesaid ; and no marriage shall be solemnized by the licence of any Superintendent Registrar or registered until after the expiration of seven days after the day of the entry of such notice as aforesaid.

XV. That whenever a marriage shall not be had within three calendar months after the notice shall have been so entered by the Superintendent Registrar, the notice and certificate, and any licence which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void ; and no person shall proceed to solemnize the marriage, nor shall any Registrar register the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

XVI. That the Superintendent's certificate, or in case the parties shall have given notice to the Superintendent of different districts, the certificate of each Superintendent shall be delivered to the officiating minister, if the marriage shall be solemnized according to the rites of the Church of England ; and the said certificate or licence shall be delivered to the registering officer of the people called Quakers for the place where the marriage is solemnized, if the same shall be solemnized according to the usages of the said people ; or to the officer of a synagogue by whom the marriage is registered, if the same shall be solemnized according to the usages of persons professing the Jewish religion ; and in all other cases shall be delivered to the Registrar present at the marriage, as hereinafter provided.

XVII. That it shall be lawful for the Superintendent Registrar of any union, parish, or place, subject to the approval of the board of guardians thereof, to appoint by writing under his hand such person or persons as he may think fit, with such qualifications as the Registrar General, by any general rule, may declare to be necessary, to be a Registrar or Registrars for the purpose of being present at marriages to be solemnized by virtue of this Act at which the presence of a Registrar is made necessary, and every such Registrar of marriages shall hold his office during the pleasure of the Superintendent Registrar by whom he was appointed, or of the Registrar General.

XVIII. That any proprietor or trustee of a separate building, certified according to law as a place of religious worship, may apply to the Superintendent Registrar of the district, in order that such building may be registered for solemnizing marriages therein, and in such case shall deliver to the Superintendent Registrar a certificate, signed in duplicate by twenty householders at the least, that such building has been used by them during one year at the least as their usual place of public religious worship, and that they are desirous that such place should be registered as aforesaid, each of which certificates shall be countersigned by the proprietor or trustee by whom the same shall be delivered ; and the Superintendent Registrar shall send both certificates to the Registrar General, who shall register such building accordingly in a book to be kept for that purpose at the General Register Office ; and the Registrar General shall indorse on both certificates the date of the registry, and shall keep one certificate with the other records of the General Register Office, and shall return the other certificate to the Superintendent Registrar, who shall keep the same with the other records of his office ; and the Superintendent Registrar shall enter the date of the registry of such building in a book to be furnished to him for that purpose by the Registrar General, and shall give a certificate of such registry under his hand, on parchment or vellum, to the proprietor or trustee by whom the certificates are countersigned, and shall give public notice of the registry thereof by advertisement in some newspaper circulating within the county, and in the *London Gazette* ; and for every such entry, certificate, and publication the Superintendent Registrar shall receive at the time of the delivery to him of the certificates the sum of 3*l*.

XIX. That if at any time subsequent to the registry of any building for solemnizing marriages therein it shall be made to appear to the satisfaction of the Registrar General that such building has been disused for the public religious worship of the congregation on whose behalf it was registered as aforesaid, the Registrar General shall cause the registry thereof to be cancelled ; provided that if it shall be proved to the satisfaction of the Registrar General that the same congregation use instead thereof some other such building for the purpose of public religious worship, the Registrar General may substitute and register such new place of worship instead of the disused building, although such new place of worship may not have been used for that purpose during one year then next preceding ; and every application for cancelling the registry of any such building, or for such substitution and registry of a substituted building, shall be made to the Registrar General by or through the Superintendent Registrar of the district ; and such cancel or substitution, when made, shall be made known by the Registrar General to the Superintendent Registrar, who shall enter the fact and the date thereof in the book provided for the registry of such buildings, and shall certify and publish such cancel or substitution and registry, in manner hereinbefore provided in the case of the original registry of the disused building ; and for every such substitution the Superintendent Registrar shall receive, at the time of the delivery of the certificate from the party requiring the substitution, the sum of 3*l*. ; and after such cancel or substitution shall have been made by the Registrar General it shall not be lawful to solemnize any marriage in such disused building, unless the same shall be again registered in the manner hereinbefore provided.

XX. That after the expiration of the said period of twenty-one days, or of seven days if the marriage is by licence, marriages may be solemnized in the registered building stated as aforesaid in the notice of such marriage, between and by the parties described in the notice and certificate, according to such form and ceremony as they may see fit to adopt : Provided nevertheless, that every such marriage shall be solemnized with open doors, between the hours of eight and twelve in the forenoon, in the presence of some Registrar of the district in which such registered building is situate, and of two or more credible witnesses ; provided also, that in some part of the ceremony, and in the presence of such Registrar and witnesses, each of the parties shall declare,

' I do solemnly declare, that I know not of any lawful impediment why I A. B. may not be joined in matrimony to C. D. ' And each of the parties shall say to the other,

' I call upon these persons here present to witness that I A. B. do take thee C. D. to be my lawful wedded wife [or husband.] ' Provided also, that there be no lawful impediment to the marriage of such parties.

XXI. That any persons who shall object to marry under the provisions of this Act in any such registered building may, after due notice and certificate issued as aforesaid, contract and solemnize marriage at the office and in the presence of the Superintendent Registrar and some Registrar of the district, and in the presence of two witnesses, with open doors, and between the hours aforesaid, making the declaration and using the form of words hereinbefore provided in the case of marriage in any such registered building.

XXII. That the Registrar shall be entitled for every marriage which shall be solemnized under this Act in his presence to have from the parties married the sum of 10s. if the marriage shall be by licence, and otherwise the sum of 5s.

XXIII. That the Registrar shall forthwith register every marriage solemnized in his presence in a Marriage Register Book to be furnished to him for that purpose from time to time by the Registrar General, according to the form provided for the registration of marriages by an Act made in this present session of Parliament, intituled 'An Act for registering Births, Deaths, and Marriages in England,' the cost of which shall be defrayed in like manner as the cost of providing register books of births and deaths; and every entry of such marriage shall be signed by the person by or before whom the marriage shall have been solemnized, if there shall be any such person, and by the Registrar, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book.

XXIV. That in every year, on such days as shall from time to time be appointed by the Registrar General, within one calendar month next after the first day of April, the first day of July, the first day of October, and the first day of January respectively, every Registrar shall make and deliver to the Superintendent Registrar of his district a true copy, certified by him under his hand, according to the form of Schedule (D.) to this Act annexed, of all the entries of marriage in the register book kept by him since the last delivery, and the Superintendent Registrar shall verify the same, and if found to be correct shall certify the same under his hand to be a true copy; and if there shall have been no marriage registered since the delivery of the last certified copy, the Registrar shall certify the fact, and such certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely the said register book until it shall be filled, and shall then deliver it to the Superintendent Registrar to be kept by him with the records of his office.

XXV. That after any marriage shall have been solemnized it shall not be necessary in support of such marriage to give any proof of the actual dwelling of either of the parties previous to the marriage within the district wherein such marriage was solemnized for the time required by this Act, or of the consent of any person whose consent thereunto is required by law; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

And after reciting that it is expedient that provision should be made, under proper restrictions, for relieving the inhabitants of populous districts remote from the parish church, or from any chapel wherein marriages may be lawfully celebrated according to the rites and ceremonies of the Church of England, from the inconvenience to which they may be thereby subjected in the solemnization of their marriages;—

It is Enacted,

XXVI. That, with the consent under the hand and seal of the patron and incumbent respectively of the church of the parish or district in which may be situated any public chapel with or without a chapelry thereunto annexed, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the Church of England, or any chapel the minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the Church of England, or without such consent after two calendar months notice in writing given by the Registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorize by a licence under his hand and seal the solemnization of marriages in any such chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the amount, appropriation, or apportionment of the dues, and as to other particulars, as to the said bishop may seem fit, and as may be specified in the said licence; provided that it shall be lawful for any patron or incumbent who shall refuse or withhold consent to the grant of any such licence to deliver to the bishop, under his or her hand and seal, a statement of the reasons for which such consent shall have been so refused or withheld; and no such licence shall be granted by any bishop until he shall have inquired into the matter of such reasons; and every instrument of consent of the patron and incumbent, or, if such consent be refused or withheld, a copy of the notice under the hand of the Registrar, and every statement of reasons alleged as aforesaid by the patron or incumbent, with the bishop's adjudication thereupon under his hand and seal, shall be registered in the registry of the diocese; and thenceforth and until the said licence be revoked marriages solemnized in such chapel shall be as valid to all intents and purposes as if the same had been solemnized in the parish church, or in any chapel where marriages might heretofore have been legally solemnized.

XXVII. That all fees, dues, and other emoluments on account of the solemnization of marriages which belong to the incumbent or clerk respectively of any church or chapel in any parish or district within which the solemnization of marriages shall be authorized as aforesaid shall respectively be received, until the avoidance of such church or chapel next after the passing of this Act, for and on account of such incumbent, and, until the vacancy in the office of clerk next after the passing of this Act, for and on account of such clerk, and be paid over to them, except such portion of the fees, dues, or other emoluments as the said bishop of the diocese, with the consent of the said incumbent and clerk respectively, shall in such aforesaid licence assign to the minister and clerk respectively of the chapel in which the solemnization of marriages shall be authorized as aforesaid; and that it shall be lawful for the said bishop in and by such licence, without any such consent, to declare that from and after such next avoidance or vacancy respectively the whole or such part of the fees, dues, and other emoluments on account of the solemnization of marriages in such last-mentioned chapel as shall be specified in such licence, shall be receivable, and the same shall thenceforth be received by or for the minister and clerk of such chapel respectively.

XXVIII. That when the said bishop shall authorize the solemnization of marriages in any such chapel as aforesaid, without the consent under the hand and seal of the patron and incumbent respectively, it shall be lawful for them or either of them to appeal within one calendar month to the archbishop of the province, who shall hear the same in a summary manner, and shall

make such order confirming, revoking, or varying the licence so given, as to him shall seem meet and expedient, which order shall be registered in the registry of the diocese, and shall be conclusive and binding on all parties whatsoever.

XXIX. That there shall be placed in some conspicuous part in the interior of every chapel in respect of which such licence shall be given as aforesaid a notice in the words following: "Marriages may be solemnized in this chapel."

XXX. That all provisions which shall from time to time be in force, relative to marriages, and to providing, keeping, and transmitting register books and copies of registers of marriages solemnized in any parish church, shall extend to any chapel in which the solemnization of marriages shall be authorized as aforesaid, in the same manner as if the same were a parish church, and everything required by law to be done relating thereto by the rector, vicar, curate, or churchwardens respectively of any parish church shall be done by the officiating minister, chapelwarden, or other person exercising analogous duties in such chapel respectively.

XXXI. Provided, That notwithstanding any such licence as aforesaid to solemnize marriages in any such chapel, the parties may, if they think fit, have their marriage solemnized in the parish church, or in any chapel in which heretofore the marriage of such parties or either of them might have been legally solemnized.

XXXII. That any such licence or order may at any time be revoked by writing under the hand and seal of the bishop of the diocese, with the consent in writing of the archbishop of the province; and such revocation and consent shall be registered in the registry of the diocese, the Registrar whereof shall notify the same in writing to the minister officiating in the chapel, and shall also give public notice thereof by advertisement in some newspaper circulating within the county and in the *London Gazette*, and thenceforth the authority to solemnize marriages in such chapel shall cease and determine.

XXXIII. That in case of the revocation of the licence to solemnize marriages in any such chapel all registers of marriages solemnized therein under such licence which shall be in the custody or possession of the minister of such chapel at the time of such revocation shall forthwith be transmitted to the incumbent or officiating minister of the parish church, and shall thenceforth be preserved, and in all other respects dealt with in the same manner, and be of the same force and validity, to all intents and purposes, as if they had been originally made and deposited with such incumbent or officiating minister; and that such incumbent or minister shall, when he next transmits to the Superintendent Registrar copies of the registers of marriages solemnized in such parish church, also therewith transmit copies of all such entries as shall have been made in such first-mentioned registers subsequent to the date of the last entry a copy whereof was transmitted to the Superintendent Registrar, and shall also transmit to him one copy of every register book so transmitted to him of which no copy shall have been already transmitted to the Superintendent Registrar, having first signed his name at the foot of the last entry therein.

XXXIV. That the Registrar of every diocese shall within fifteen days after the said 1st of March, and also within fifteen days after the 1st of January in every succeeding year, make out and send through the Post Office, directed to the Registrar General of births, deaths, and marriages, at his office, a list of all chapels belonging to the Church of England within that diocese wherein marriages may lawfully be solemnized according to the rites and ceremonies of the Church of England, and shall distinguish in such list which have a parish, chapelry, or other recognized ecclesiastical division annexed to them, and which are chapels licensed by the bishop under this Act, and shall state therein the district for which each of such chapels is licensed according to the description thereof in the licence; and the Registrar General shall in every year make out and cause to be printed a list of all such chapels, and also of all places of public worship registered under the provisions of this Act, and shall state in such list the county and Registrar's district within which each chapel or registered building is situated, and shall add also the names and places of abode of the Registrars and Deputy Registrars of each district, and of the Superintendent Registrars; and a copy of such list shall be sent to every Registrar and Superintendent Registrar.

XXXV. That every marriage solemnized under this Act shall be good and cognizable in like manner as marriages before the passing of this Act according to the rites of the Church of England.

XXXVI. That it shall be lawful for the Registrar before whom any marriage is solemnized according to the provisions of this Act to ask of the parties to be married the several particulars required to be registered touching such marriage.

XXXVII. That every person who shall enter a caveat with the Superintendent Registrar against the grant of any licence or issue of any certificate on grounds which the Registrar General shall declare to be frivolous, and that they ought not to obstruct the grant of the licences, shall be liable for the costs of the proceedings, and for damages to be recovered in a special action upon the case by the party against whose marriage such caveat shall have been entered.

XXXVIII. That every person who shall knowingly and wilfully make any false declaration or sign any false notice or certificate required by this Act, for the purpose of procuring any marriage, and every person who shall forbid the issue of any Superintendent Registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury.

XXXIX. That every person who after the said 1st of March shall knowingly and wilfully solemnize any marriage in England, except by special licence, in any other place than a church or chapel in which marriages may be solemnized according to the rites of the Church of England, or than the registered building or office specified in the notice and certificate as aforesaid, shall be guilty of felony (except, in the case of a marriage between two of the Society of Friends commonly called Quakers, according to the usages of the said society, or between two persons professing the Jewish religion, according to the usages of the Jews); and every person who in any such registered building or office shall knowingly and wilfully solemnize any marriage in the absence of a Registrar of the district in which such registered building or office is situated shall be guilty of felony; and every person who shall knowingly and wilfully solemnize any marriage in England after the said 1st of March (except by licence) within twenty-one days after the entry of the notice to the Superintendent Registrar as aforesaid, or if the marriage is by licence within seven days after such entry, or after three calendar months after such entry, shall be guilty of felony.

XL. That every Superintendent Registrar who shall knowingly and wilfully issue any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or any certificate for marriage by licence

before the expiration of twenty-one days after the entry of the notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue of the Registrar's certificate, or who shall knowingly and wilfully register any marriage herein declared to be null and void, and every Registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the Registrar as aforesaid, or who shall knowingly and wilfully solemnize in his office any marriage herein declared to be null and void, shall be guilty of felony.

XLII. That every prosecution under this Act shall be commenced within the space of three years after the offence committed.

XLIII. That if any person shall knowingly and wilfully intermarry after the said 1st of March under the provisions of this Act in any place other than the church, chapel, registered building, or office or other place specified in the notice and certificate as aforesaid, or without due notice to the Superintendent Registrar, or without certificate of notice duly issued, or without licence, in case a licence is necessary under this Act, or in the absence of a Registrar or Superintendent Registrar where the presence of a Registrar or Superintendent Registrar is necessary under this Act, the marriage of such persons, except in any case hereinafter excepted, shall be null and void: Provided always, that nothing herein contained shall extend to annul any marriage legally solemnized according to the provisions of an Act, 4 Geo. 4. c. 76, intituled, 'An Act for amending the Laws respecting the Solemnization of Marriages in England.'

XLIII. That if any valid marriage shall be had under the provisions of this Act by means of any wilfully false notice, certificate, or declaration made by either party to such marriage, as to any matter to which a notice, certificate, or declaration is herein required, it shall be lawful for His Majesty's Attorney General or Solicitor General to sue for a forfeiture of all estate and interest in any property accruing to the offending party by such marriage; and the proceedings thereupon and consequences thereof shall be the same as are provided in the like case with regard to marriages solemnized by licence before the passing of this Act according to the rites of the Church of England.

XLIV. That this Act shall be taken to be part of the said Act for registering births, deaths, and marriages, as fully and effectually as if incorporated therewith, and that all the provisions and penalties of the said Act relating to any Registrar or register of marriages, or certified copies thereof, shall be taken to extend to the Registrars and registers of marriages to be solemnized under this Act, and to the certified copies thereof, so far as the same are applicable thereunto.

XLV. That this Act shall extend only to England, and shall not extend to the marriage of any of the royal family.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the Registrar of the District of *Hendon* in the County of *Middlesex*.

I HEREBY give you Notice, That a Marriage is intended to be had, within Three Calendar Months from the Date hereof, between me and the other Party herein named and described; (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party resides when the Parties dwell in different Districts.
<i>James Smith</i>	<i>Widower</i>	<i>Carpenter</i>	<i>Of full Age</i>	<i>16, High Street.</i>	<i>23 Days</i>	<i>Sion Chapel, West Street, Hendon, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green</i>	<i>Spinster</i>	<i>.....</i>	<i>Minor ..</i>	<i>Grove Farm.</i>	<i>More than a Month.</i>		

Witness my Hand this Sixth Day of May 1837.

(Signed) *James Smith*

[The Italics in this Schedule to be filled up as the Case may be.]

SCHEDULE (B.)

No. 14.

REGISTRAR'S CERTIFICATE.

I *John Cox*, Registrar of the District of *Stepney* in the County of *Middlesex*, do hereby certify, That on the *Sixth Day of May* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the parties therein named and described, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Condition.	Rank or Condition.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party dwells where the Parties dwell in different Districts.
<i>James Smith</i>	<i>Widower</i>	<i>Carpenter</i>	<i>Of full Age</i>	<i>16, High Street.</i>	<i>23 Days</i>	<i>Sion Chapel, West Street, Stepney, Middlesex.</i>	<i>Tonbridge, Kent.</i>
<i>Martha Green</i>	<i>Spinster</i>	<i>.....</i>	<i>Minor ..</i>	<i>Grove Farm.</i>	<i>More than a Month.</i>		

Date of Notice entered
6th May 1837.
Date of Certificate given
27th May 1837.

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand this *Twenty-seventh Day of May One thousand eight hundred and thirty-seven.*

(Signed) *John Cox,*
Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the *Sixth Day of August 1837.*

[The Italics in this Schedule to be filled up as the Case may be.]

SCHEDULE (C.)

LICENCE OF MARRIAGE.

A.B., Superintendent Registrar of
greeting.

to *C.D.* of

and *E.F.* of

sendeth

WHEREAS ye are minded, as it is said, to enter into a Contract of Marriage under the Provisions of an Act made in the *Seventh Year of the Reign of His Majesty King William the Fourth*, intituled [*here insert the Title of this Act*], and are desirous that the same may be speedily and publicly solemnized: And whereas you *C.D.* [*or you E.F.*] have made and subscribed a Declaration under your Hand that you believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that you *C.D.* [*or E.F.*] have [*or has*] had your [*or his or her*] usual Place of Abode for the space of *Fifteen Days* last past within the District of [], and that you *C.D.* [*or E.F.*], not being a Widower [*or Widow*], are [*or is*] under the Age of *Twenty-one Years*, and that the Consent of *G.H.*, whose Consent to your [*or his or her*] Marriage is required by Law, has been obtained thereto [*or that there is no Person having Authority to give such consent*]: I do hereby grant unto you full Licence, according to the Authority in that Behalf given to me by the said Act, to proceed to solemnize such Marriage, and to the Registrar of the District of [*here insert the Name of the District in which the Marriage is to be solemnized*] to register such Marriage according to Law; provided that the said Marriage be publicly solemnized in the Presence of the said Registrar and of Two Witnesses within Three Calendar Months from the [*here insert the Date of the Entry in the Notice Book of the Superintendent Registrar.*] in the [*here describe the Building in which the Marriage is to be solemnized*], between the Hours of Eight and Twelve in the Forenoon. Given under my hand this _____ Day of _____

One thousand eight hundred and

(Signed) *A.B.*
Superintendent Registrar.

SCHEDULE (D.)

I John Cox, Registrar of the District of Stepney, in the county of Middlesex, do hereby certify, That this is a true Copy of the Entries of Marriage registered in the said District from the Entry of the Marriage of John Wood and Ann Simpson, Number One, to the Entry of the Marriage of James Smith and Martha Green, Number Fourteen. Witness my Hand this First Day of July 1837.

(Signed) John Cox,
Registrar.

[The Italics in this Schedule to be filled up as the Case may be.]

CAP. LXXXVI.

AN ACT for registering Births, Deaths, and Marriages in *England*.

(17th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. So much of recited Acts as relates to registration of marriages repealed.
2. General Registry Office to be provided in London or Westminster.
3. Lord Treasurer or Lords Commissioners of His Majesty's Treasury to appoint officers and fix salary.
4. Salaries to be paid out of the Consolidated Fund.
5. Regulations for conduct of officers to be framed under direction of Secretary of State.
6. Annual abstract of registers to be laid before Parliament.
7. Districts to be formed, and Registrars and Superintendent Registrars to be appointed.
8. Officers of unions, &c. being dismissed by guardians, &c. to cease to act under this Act.
9. Register Offices to be provided in each union.
10. Temporary Registrars and Superintendent Registrars to be appointed for parishes not under the Poor Law Act.
11. In case of subsequent unions previous appointments to be vacated.
12. Deputy Registrars to be appointed.
13. Appointments to be exempt from stamp duties.
14. Register boxes to be provided.
15. All books, &c. to be transferred on removal of Registrar.
16. Registrar and deputy to dwell in the district and their names and additions to be put on their dwelling houses.
17. Register books to be provided.
18. Registrars to register births and deaths.
19. Parents or occupiers of houses in which births or deaths happen, and overseers and coroners in cases of foundlings or exposed dead bodies, to give notice to the Registrar.
20. Parent or occupier of house required to give particulars of birth so far as known.
21. Registry of children born at sea.
22. As to registry after the expiration of forty-two days from the birth of the child.
23. Births not to be registered after six months.
24. Name given in baptism may be registered within six months after registration of births.
25. Some person present at death, or occupier of house, required to give particulars of death, so far as known.—Registrar to make entry of finding of jury upon coroners' inquests.
26. Registry of persons dying at sea.
27. Registrar to give certificate of registry of death to undertaker, who shall deliver the same to the minister or officiating person.—Coroner may order body to be buried, and give certificate thereof.—No dead body to be buried without certificate of registry of inquest, penalty 10*l*.
28. Register to be signed by the informant.
29. Registrars to make out accounts quarterly.—Guardians or overseers to pay Registrars.
30. Marriage register books to be provided.
31. Marriage registers to be kept in duplicate.
32. Certified copies of registers of births and deaths to be sent quarterly, and the register books, when filled, to the Superintendent Registrar.
33. Duplicates and certified copies of registers of marriages to be sent to Superintendent Registrar.
34. Superintendent Registrars to send certified copies of registers to the General Register Office.
35. Searches may be made, and certificates given by the persons keeping the registers.
36. Indexes to be made at the Superintendent Registrar's Office, and persons allowed to search them.
37. Indexes to be kept at General Register Office, searches allowed, and certified copies given.
38. Certified copies given at General Registry Office to be sealed.
39. Fees for searches in the General Register Office to be accounted for to the Exchequer.
40. Clergymen, &c. may ask parties married the particulars required.
41. Penalty for wilfully giving false information.
42. Penalty for not duly registering births, deaths, and marriages, or for losing or injuring the registers.
43. Penalty for destroying or falsifying register books.
44. Accidental errors may be corrected.
45. Recovery of penalties.

46. *Appeal.*

47. *No certiorari.*

48. *Correspondence of Registrar General relating to this Act to be free of postage.*

49. *Registers of baptisms and burials may be kept as heretofore.*

50. *Registrar General to furnish notices to guardians of unions, &c. specifying acts required to be done by parties registering.*

By this Act,

After reciting that it is expedient to provide the means for a complete register of the births, deaths, and marriages of His Majesty's subjects in England: And that the Act, 52 Geo. 3. c. 146, intituled, 'An Act for the better regulating Parish and other Registers of Births, Baptisms, Marriages, and Burials in England,' and also the Act, 4 Geo. 4. c. 76, intituled, 'An Act for amending the Laws respecting the Solemnization of Marriages in England,' are insufficient for the purpose aforesaid:—

It is Enacted,

I. That after the 1st of March 1837 so much of the said Acts as relates to the registration of marriages shall be repealed.

II. That it shall be lawful for His Majesty to provide a proper office in London or Westminster, to be called "The General Register Office," for keeping a register of all births, deaths, and marriages of His Majesty's subjects in England, and to appoint for the said office under the great seal of the United Kingdom a Registrar General of births, deaths, and marriages in England, and from time to time at pleasure to remove the said Registrar General, and appoint some other person in his room.

III. That the Lord Treasurer or Lords Commissioners of His Majesty's Treasury, or any three of them, or the Registrar General, subject to the approval of the said Lords Commissioners, shall appoint from time to time such officers, clerks, and servants as they shall deem necessary to carry on the business of the General Registry Office, and at pleasure remove them or any of them; and the said Lord Treasurer or Lords Commissioners shall fix the salary of the Registrar General, so that the same shall not at any time exceed the sum of 1000*l.* yearly, and shall fix the salaries of the officers, clerks, and servants in fit proportion according to the duties they may have to perform.

IV. That the salaries of the Registrar General, and of the said officers, clerks, and servants, and the amount of the sums hereinafter provided to be paid to the Superintendent Registrars for every entry in the certified copies of the registers, and all expenses of carrying on the business of the General Registry Office not herein otherwise provided for, shall be paid by the said Lord Treasurer or Lords Commissioners of His Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

V. That one of His Majesty's principal Secretaries of State, or the Registrar General with the approbation of such principal Secretary, from time to time may make the said regulations for the management of the said Register Office, and for the duties of the Registrar General, clerks, officers, and servants of the said office, and of the Registrars, Deputy Registrars, and Superintendent Registrars hereinafter mentioned, in the execution of this Act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said Registrar General, clerks, officers, and servants, and on the Registrars, Deputy Registrars, and Superintendent Registrars.

VI. That the Registrar General shall send once in every year to one of the principal Secretaries of State a general abstract of the numbers of births, deaths, and marriages registered during the foregoing year, in such form as the said Secretary from time to time shall require; and every such annual general abstract shall be laid before Parliament within one month after receipt thereof, or after the meeting of Parliament.

VII. That the guardians of every union declared under the provisions of 4 & 5 Will. 4. c. 76, intituled, 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,' and also of every parish or place in which a board of guardians shall have been established under the provisions of the last-named Act, shall, on or before the 1st of October in this year, if the said board of guardians shall have been established before the passing of this Act, or within three calendar months next after the establishment of the board, if the said board shall not have been established before the passing of this Act, divide the union or the parish or place of which they are the guardians into such and so many districts as they, subject to the approval of the Registrar General, shall think fit; and every such division when made shall be published by the guardians within the union, parish, or place of which they are guardians, in such manner as the said Registrar General shall direct; and every such district shall be called by a distinct name, and shall be a Registrar's district; and the guardians shall appoint a person, with such qualifications as the Registrar General may by any general rule declare to be necessary, to be Registrar of births and deaths within each district, and in every case of vacancy in the office of Registrar shall forthwith fill up the vacancy; and the clerk to the guardians of every such union, parish, or place shall, if he shall think fit to accept such office, and have such qualifications as the Registrar General may by any general rule declare to be necessary, be the Superintendent Registrar thereof; and in the event of his refusal or disqualification to act in that capacity, the guardians shall appoint a person, with such qualifications as the Registrar General may by any general rule declare to be necessary, to be the Superintendent Registrar of each union, or of such parish or place, and in every case of vacancy of the office of Superintendent Registrar shall forthwith fill up the vacancy; and every Registrar and Superintendent Registrar shall hold his office during the pleasure of the Registrar General.

VIII. Provided, That in every case in which the clerk to the guardians of any union, parish, or place, or any other officer of any such union, parish, or place, shall hold any office under this Act, and shall be removed by the Poor Law Commissioners from his office in such union, parish, or place, and in every case in which any Registrar or Superintendent Registrar shall be removed by the Registrar General from his office under this Act, notice of such removal shall be forthwith given by advertisement in some newspaper circulating in the county wherein the district for which such officer may act shall be; and every such person shall thenceforth cease to hold his office under this Act, and shall be incapable of being re-appointed thereto: Provided also, that the appointment of any officer of any such union, parish, or place to any office under this Act shall be subject

to the approval of the Poor Law Commissioners, except as hereinbefore directed with respect to the clerk to guardians of any such union, parish or place.

IX. That the guardians shall provide and uphold, out of the monies coming to their hands or controul as such guardians, a Register Office, according to a plan to be approved by the Registrar General, for preserving the registers to be deposited therein, as hereinafter provided; and the care of the said office, and the custody of the registers deposited therein shall be given to the Superintendent Registrar of the union or parish or place having a board of guardians as aforesaid.

X. That the Poor Law Commissioners for England and Wales shall, as soon as may be after the said 1st of October, form all the parishes, townships, and places in England, in or for which a board of guardians shall not have been then established under the provisions of the said Act for the amendment of the laws relating to the poor, into temporary districts, having regard to the formation thereof to the boundaries of parishes and townships, and shall appoint a Registrar to each of such temporary districts, subject to being displaced as hereinafter provided; and the Registrar General shall appoint a sufficient number of fit persons to be Superintendent Registrars for such temporary districts, subject to being displaced as hereinafter provided, and shall appoint the districts which each shall superintend.

XI. That in every case in which a board of guardians shall be established, under the provisions of the said Act for the amendment of the laws relating to the poor, in or for any parish, township, or place forming part of any temporary district in or for which a Registrar or Superintendent Registrar shall have been previously appointed as last aforesaid, and as soon as a Registrar or Registrars shall have been appointed for the districts into which the guardians shall have divided the union or parish or place of which they are guardians as aforesaid, and the clerk of the guardians of such union, parish, or place shall have accepted the office of Superintendent Registrar, or the said guardians shall have appointed a Superintendent Registrar for such districts, in like manner as in the unions formed before the passing of this Act, every such parish or place shall cease to be a part of the temporary district to which it was so annexed by the Poor Law Commissioners, and every Registrar, Deputy Registrar, and Superintendent Registrar appointed before the election of such Board of Guardians as aforesaid in or for such parish, township, or place shall cease to hold their respective offices, so far as relates to such parish, township, or place, unless re-appointed.

XII. That for every district for which a Registrar of births and deaths shall be appointed by the guardians as aforesaid the Registrar shall have power, subject to the approval of such guardians, and for every district for which a Registrar shall be appointed by the said Poor Law Commissioners, such Registrar shall have power, subject to the approval of such Commissioners, to appoint by writing under his hand a fit person to act as his deputy in case of the illness or unavoidable absence of such Registrar; and every such Deputy Registrar whilst so acting shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning Registrars, and in case of the death of the Registrar shall act as Registrar until another Registrar is appointed; and every Registrar shall be civilly responsible for the acts or omissions of his deputy.

XIII. That the appointments of Registrars, Deputy Registrars, and Superintendent Registrars, and the duplicates and certified copies of registers hereinafter mentioned, shall be exempt from all stamp duties.

XIV. That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of strong iron boxes to hold the register books to be kept by such Registrar; and every such box shall be furnished with a lock and two keys, and no more; and one of such keys shall be kept by the Registrar, and the other key shall be kept by the Superintendent Registrar; and the register books of each district, while in the custody of the Registrar and not in use, shall be always kept in the register box, and the register box shall always be left locked.

XV. That in every case in which any Registrar or Superintendent Registrar shall be removed from or cease to hold the said office, all register boxes, keys, books, documents, and papers in his possession as such Registrar or Superintendent Registrar shall be given as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such box, key, books, documents, or papers in such case as aforesaid, it shall be lawful for any Justice of the Peace for the county or other jurisdiction where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any two Justices of the Peace for the said county or other jurisdiction, and upon such person appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to the Justices that any such box, key, books, documents, or papers are in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the said Justices are hereby required to commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be; and the said Justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwelling house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

XVI. That every Registrar and Deputy Registrar shall dwell within the district of which he is Registrar or Deputy Registrar, and shall cause his name, with the addition of Registrar or Deputy Registrar (as the case may be) for the district for which he shall be so appointed to be placed in some conspicuous place on or near the outer door of his own dwelling house; and the Superintendent Registrar shall cause to be printed and published in the districts which he shall superintend a list of the name and place of abode of every Registrar and Deputy Registrar under his superintendence.

XVII. That the Registrar General shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all births, deaths, and marriages of His Majesty's subjects in England, according to the forms of Schedules (A.) (B.) (C.) to this Act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of births, deaths, and marriages respectively; and every page of each of such books shall be numbered progressively from the beginning

to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

xviii. That the Registrar General shall furnish to every Superintendent Registrar, for the use of the Registrars under his superintendence, a sufficient number of register books of births and of register books of deaths, and of forms for certified copies thereof, as hereinafter provided, at a reasonable price, to be fixed from time to time by one of His Majesty's Principal Secretaries of State, the cost whereof shall be borne by the union, parish, or place in or for which the Superintendent Registrar is appointed, and shall be paid by the guardians or by the churchwardens and overseers (as the case may be), out of the monies coming to their hands or control as such guardians or churchwardens and overseers, to the Registrar, and shall be accounted for by him to the Registrar General; and every Registrar shall be authorized and is hereby required to inform himself carefully of every birth and every death which shall happen within his district after the said first day of March, and to learn and register as soon after the event as conveniently may be done, without fee or reward save as hereinafter mentioned, in one of the said books, the particulars required to be registered according to the forms in the said Schedules (A.) and (B.) respectively touching every such birth or every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

xix. That the father or mother of any child born, or the occupier of every house or tenement in England in which any birth or death shall happen, after the said first day of March, may, within forty-two days next after the day of such birth or within five days after the day of such death respectively, give notice of such birth or death to the Registrar of the district; and in case any new-born child or any dead body shall be found exposed, the overseers of the poor in the case of the new-born child, and the coroner in the case of the dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the Registrar; and for the purposes of this Act the master or keeper of every gaol, prison, or house of correction, or workhouse, hospital, or lunatic asylum, or public or charitable institution, shall be deemed the occupier thereof.

xx. That the father or mother of every child born in England after the said first day of March, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within forty-two days next after the day of every such birth, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

xxi. That if any child of an English parent shall be born at sea on board of a British vessel, the captain or commanding officer of the vessel on board of which the said child shall have been born shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the register touching the birth of such child, so far as the same may be known, and the name of the vessel wherein the birth took place, and shall, on the arrival of such vessel in any port of the United Kingdom, or by any other sooner opportunity, send a certificate of the said minute through the Post Office to the Registrar General, who shall file the same, and enter a copy thereof under his hand in a book to be kept for that purpose in "The General Register Office," to be called the "Marine Register Book," and shall keep the said book with the other registers, according to the provisions of this Act.

xxii. That after the expiration of forty-two days following the day of the birth of any child it shall not be lawful for any Registrar to register such birth, save as hereinafter is next mentioned; provided that, in case the birth of any child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any person present at the birth of such child, or for the father or guardian thereof, at any time within six calendar months next after the birth, to make a solemn declaration of the particulars required to be known touching the birth of such child, according to the best of his or her knowledge and belief, and it shall thereupon be lawful for the said Registrar then and there, in the presence of the Superintendent Registrar, to register the birth of the said child according to the information of the person making the said declaration; and in every such case the Superintendent Registrar before whom the said declaration is made shall sign the entry of the birth as well as the Registrar, and for every such registry as last aforesaid the Superintendent Registrar shall be entitled to have a fee of 2s. 6d. from the person requiring the same to be registered; and the Registrar, over and above the fee hereinafter enacted in respect of every birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of 5s. from the person requiring the same to be registered; and no register of births shall be given in evidence to prove the birth of any child wherein it shall appear that forty-two days have intervened between the day of the birth and the day of the registration of the birth of such child, unless the entry shall be signed by the Superintendent Registrar; and every person who shall knowingly register or cause to be registered the birth of any child, otherwise than hereinbefore is last mentioned, after the expiration of forty-two days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding 50l.

xxiii. That after the expiration of six calendar months following the birth of any child it shall not be lawful for any Registrar to register the birth of such child, and no register of births, except in the case of children born at sea, shall be given in evidence to prove the birth of any child wherein it shall appear that six calendar months have intervened between the day of the birth and the day of the registration of the birth of such child; and every person who shall knowingly register or cause to be registered the birth of any child after the expiration of six calendar months following the day of the birth of such child shall forfeit and pay for every such offence a sum not exceeding 50l.

xxiv. That if any child born in England whose birth shall have been registered as aforesaid shall, within six calendar months next after it shall have been so registered, have any name given to it in baptism, the parent or guardian of such child, or other person procuring such name to be given, may, within seven days next after such baptism, procure and deliver to the Registrar or Superintendent Registrar, in whose custody the register of the birth of the child may then happen to be, a certificate, according to the form of Schedule (G.) to this Act annexed, signed by the minister who shall have performed the rite of baptism, which certificate such minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of 1s., which he shall be therefore entitled to receive; and the said Registrar

or Superintendent Registrar, upon receipt of such certificate and on payment of the fee of 1s., which he shall be therefore entitled to receive, shall, without any erasure of the original entry, forthwith register therein that the child was baptized by such name, and the Registrar shall thereupon certify upon the said certificate the additional entry so made, and shall forthwith send the said certificate through the Post Office to the Registrar General.

XXV. That some person present at the death or in attendance during the last illness of every person dying in England after the said first day of March, or in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information, upon being requested so to do, to the said Registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person: Provided always, that in every case in which an inquest shall be held on any dead body the jury shall inquire of the particulars herein required to be registered concerning the death, and the coroner shall inform the Registrar of the finding of the jury, and the Registrar shall make the entry accordingly.

XXVI. That if any of His Majesty's English subjects shall die at sea on board of a British vessel, the captain or commanding officer of the vessel on board of which such death shall have happened shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the register touching such death, so far as the same may be known, and the name of the vessel wherein the death took place, and shall, on the arrival of such vessel in any port of the United Kingdom, or by any other sooner opportunity, send a certificate of the said minute through the Post Office to the Registrar General, who shall file the same, and enter a copy thereof under his hand in the Marine Register Book, and keep the same with the other registers, according to the provisions of this Act.

XXVII. That every Registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the undertaker or other person having charge of the funeral a certificate under his hand, according to the form of Schedule (E.) to this Act annexed, that such death has been duly registered, and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or to perform any religious service for the burial of the dead body, and if any dead body shall be buried for which no such certificate shall have been so delivered, the person who shall bury or perform any funeral or any religious service for the burial shall forthwith give notice thereof to the Registrar: Provided always, that the coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death, and shall in such case give a certificate of his order in writing under his hand, according to the form of Schedule (F.) to this Act annexed, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid; and every person who shall bury or perform any funeral or any religious service for the burial of any dead body for which no certificate shall have been duly made and delivered as aforesaid, either by the Registrar or Coroner, and who shall not within seven days give notice thereof to the Registrar, shall forfeit and pay any sum not exceeding 10*l.* for every such offence.

XXVIII. That every person by whom the information contained in any register of birth or death under this Act shall have been given shall sign his name, description, and place of abode in the register; and no register of birth or death according to this Act shall be given in evidence which shall not be signed by some person professing to be the informant, and to be such party as is herein required to give such information to the Registrar.

XXIX. That every Registrar shall make out an account four times in every year of the number of births and deaths which he shall have registered since the last quarterly account, and the Superintendent Registrar shall verify and sign the same; and the guardians or overseers of the parish, township, or place in or for which he shall be Registrar, on production of the said account so verified and signed, shall pay to the said Registrar, out of the monies in their hands or power as such guardians or overseers, such sums as he shall be entitled to receive on the said account according to the following scale; (that is to say,) for the first twenty entries of births and deaths in every year which he shall have registered, whether the same be of births or of deaths indiscriminately, 2*s.* 6*d.* each, and 1*s.* for every subsequent entry of births or deaths in each year; and in the case of an union the said several sums shall be charged to the account of the parishes in which such births or deaths respectively shall have occurred.

XXX. That the Registrar General shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in England wherein marriages may lawfully be solemnized, and also to every person whom the recording clerk of the Society of Friends commonly called Quakers at their central office in London, shall from time to time certify in writing under his hand to the Registrar General to be a registering officer in England of the said society, and also to every person whom the president for the time being of the London Committee of Deputies of the British Jews shall from time to time certify in writing under his hand to the Registrar General to be the secretary of a synagogue in England of persons professing the Jewish religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as hereinafter provided: and the cost of all such books and forms shall be paid by the churchwardens and overseers of the parish or chapel out of the monies in their hands as such churchwardens and overseers, or by the registering officer or secretary respectively to whom the same shall be furnished.

XXXI. That every clergyman of the church of England, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage according to the form of the said Schedule (C.); and every such registering officer of the Quakers, as soon as conveniently may be after the solemnization of any marriage between two Quakers in the district for which he is registering officer, and every such secretary of a synagogue, immediately after every marriage solemnized between any two persons professing the Jewish religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars relating to that marriage according to the form of the said Schedule (C.); and every such registering officer or secretary, whether he shall or shall not be present at such marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said society, or of the persons professing the Jewish religion, as the case may be; and every such entry as hereinbefore is mentioned (whether made by such clergy-

man or by such registering officer or secretary respectively as aforesaid) shall be signed by the clergyman or by the said registering officer or secretary, as the case may be, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of each book, and the number of the place of entry in each duplicate marriage register book shall be the same.

XXXII. That in the months of April, July, October and January, on such days as shall from time to time be appointed by the Registrar General, every Registrar shall make, and deliver to the Superintendent Registrar of his district, on durable materials, a true copy, certified by him under his hand according to the form of Schedule (D.) to this Act annexed, of all the entries of births and deaths in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July in the year 1837, and to contain all the entries made up to that time; and the Superintendent Registrar shall verify the same, and if found to be correct shall certify the same under his hand to be a true copy; and if there shall have been no birth or death registered since the delivery of the last certificate the Registrar shall certify the fact, and such certificate shall be delivered to the Superintendent Registrar as aforesaid, and countersigned by him; and the Registrar shall keep safely each of the said register books until it shall be filled, and shall then deliver it to the Superintendent Registrar, to be kept by him with the records of his office.

XXXIII. That the rector, vicar, or curate of every such church and chapel, and every such registering officer and secretary, shall, in the months of April, July, October, and January respectively, make and deliver to the Superintendent Registrar of the district in which such church or chapel may be situated, or which may be assigned by the Registrar General to such registering officer or secretary, on durable materials, a true copy certified by him under his hand of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of July 1837, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate, shall certify the fact under his hand, and shall keep the said marriage register books safely until the same shall be filled; and one copy of every such register book, when filled, shall be delivered to the Superintendent Registrar of the district in which such church or chapel may be situated, or which shall have been assigned as aforesaid to such registering officer or secretary, and the other copy of every such register book kept by any such rector, vicar, or curate shall remain in the keeping of such rector, vicar, or curate, and shall be kept by him with the registers of baptisms and burials of the parish or chapelry within which the marriages registered therein shall have been solemnized; and the other copy of every such register book of marriages among the people called Quakers, and among persons professing the Jewish religion respectively, shall remain under the care of the said people or persons respectively, to be kept with their other registers and records, and shall, for the purposes of this Act, be still deemed to be in the keeping of the registering officer or secretary for the time being respectively.

XXXIV. That every Superintendent Registrar shall, four times in every year, on such days as shall be therefore named by the Registrar General, send to the Registrar General all the certified copies of the registers of births, deaths, and marriages which he shall have so received during the three calendar months next preceding such quarterly days of transmission respectively; and if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, he shall procure, as far as possible, consistently with the provisions of this Act, that the same may be remedied and supplied; and every such Superintendent Registrar shall be entitled to receive the sum of 2*d.* for every entry in such certified copies; and every Superintendent Registrar shall make out an account four times in every year of the number of entries in the certified copies sent to him during the last quarter, and the certified copies so sent to the General Registry Office shall be thereafter kept in the said office in such order and manner as the Registrar General, under the direction of the Secretary of State, shall think fit, so that the same may be most readily seen and examined.

XXXV. That every rector, vicar, or curate, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of births, deaths, or marriages, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee hereinafter mentioned; (that is to say,) for every search extending over a period not more than one year the sum of 1*s.* and 6*d.* additional for every additional year, and the sum of 2*s.* 6*d.* for every single certificate.

XXXVI. That every Superintendent Registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office; and that every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the Superintendent Registrar, on payment of the fees hereinafter mentioned; (that is to say) for every general search the sum of 5*s.*, and for every particular search the sum of 1*s.*, and for every such certified copy the sum of 2*s.* 6*d.*

XXXVII. That the Registrar General shall cause indexes of all the said certified copies of the registers to be made and kept in the General Register Office; and that every person shall be entitled, on payment of the fees hereinafter mentioned, to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas Day, and Good Friday, and to have a certified copy of any entry in the said certified copies of the registers; and for every general search of the said indexes shall be paid the sum of 20*s.*, and for every particular search the sum of 1*s.*, and for every such certified copy the sum of 2*s.* 6*d.*, and no more, shall be paid to the Registrar General or such other officer as shall be appointed for that purpose on his account.

XXXVIII. That the Registrar General shall cause to be made a seal of the said register office, and the Registrar General shall cause to be sealed or stamped therewith all certified copies of entries given in the said office; and all certified copies of entries purporting to be sealed or stamped with the seal of the said register office shall be received as evidence of the birth, death, or marriage to which the same relates, without any further or other proof of such entry; and no certified copy purporting to be given in the said office shall be of any force or effect which is not sealed or stamped as aforesaid.

XXXIX. That every sum received under the provisions of this Act by or on account of the Registrar General shall be accounted for and paid by the Registrar General, at such times as the Lords Commissioners of the Treasury from time to time

shall direct, into the Bank of England, to the credit of His Majesty's Exchequer, according to the provisions of an Act, 4 & 5 W. 4. c. 15, intituled, 'An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster.'

XL. That it shall be lawful for every clergyman of the Church of England who shall solemnize any marriage in England, and for every registering officer of the Quakers, and every secretary of the synagogue, after the said 1st of March, to ask of the parties married the several particulars herein required to be registered touching such marriage.

XLI. That every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of birth, death, or marriage, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

XLII. That every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or which he ought to register, and every Registrar who shall refuse or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and every person having the custody of any register book, or certified copy thereof or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding 50*l.* for every such offence.

XLIII. That every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth, death, or marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the seal of the register office, shall be guilty of felony.

XLIV. Provided, That no person charged with the duty of registering any birth, death, or marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid if within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the parties married, or of two persons attending upon any person in his or her last illness whose death may have been so registered, or in case of the death or absence of the respective parties aforesaid, then in the presence of the Superintendent Registrar and of two other credible witnesses who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made: Provided also, that in the case of a marriage register he shall make the like marginal entry, attested in like manner in the Duplicate Marriage Register Book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

XLV. That all fines and forfeitures by this Act imposed, unless otherwise directed, shall be recovered before any two Justices of the peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person; and if on the conviction of the offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such Justices are hereby empowered to administer,) such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justices; and for want of distress such Justices may commit every such offender to the common gaol or house of correction for the county, city, or place where the offender shall be committed, without bail or mainprize, for any term not exceeding one calendar month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid; and one moiety of all such fines and forfeitures shall go to the person who shall inform and sue or prosecute for the same, and the other moiety shall go to the Registrar General, or to such other person as the Lords Commissioners of the Treasury shall appoint, for the use of His Majesty; and no distress made by virtue of this Act shall be deemed unlawful, nor shall the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, or warrant of distress, or on account of any irregularity which shall be afterwards committed by the party distraining, but the person or persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

XLVI. That in all cases where the sum adjudged to be paid on any such summary conviction shall exceed 5*l.*, any person convicted may appeal to the next Court of General or Quarter Sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance with two sufficient sureties, before a Justice of the Peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizances being entered into, the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal, or the affirmation of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

XLVII. That no such conviction or adjudication made on appeal therefrom shall be quashed for want of form, or be removed by certiorari or otherwise into any of His Majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

XLVIII. That the Registrar General may receive and send by the General Post from and to places in England all letters and packets relating exclusively to the execution of this Act free from the duty of postage, provided that such letters and packets as shall be sent to the Registrar General be directed to the "Registrar General of Births, Deaths, and Marriages," at his office, and that all such letters and packets as shall be sent by the Registrar General shall be in covers, with the words "Registrar General of Births, Deaths, and Marriages" printed on the same, and be sealed with the seal of the said Register Office, and be signed on the outside thereof under such words with the name of such person as the said Registrar General, with the consent of the Lords Commissioners of the Treasury, or any three or more of them, shall appoint, in his own handwriting, (such name to be from time to time sent to the Secretary of the General Post Office in London,) and under such other regulations as the said Lords Commissioners, or any three or more of them, shall think fit; and if the person so to be appointed shall subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate exclusively to the execution of this Act, or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any letter, paper, or writing, or any inclosure, other than shall relate exclusively to the execution of this Act, every person so offending shall forfeit and pay the sum of 100*l.*, and be dismissed from his office; one moiety of such penalty to be paid to the use of His Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same; to be sued for and recovered in any of His Majesty's courts of record at Westminster.

XLIX. Provided, That nothing herein contained shall affect the registration of baptisms or burials as now by law established, or the right of any officiating minister to receive the fees now usually paid for the performance or registration of any baptism, burial, or marriage.

L. That the said Registrar General shall, within three calendar months after his appointment to such office, furnish to the respective guardians of every union, parish, or place printed notices, which the said guardians shall, as soon as conveniently may be after the receipt thereof, cause to be fixed or placed on the outside of the several church and chapel doors, or other public and conspicuous buildings or places, within their respective unions, parishes, or places, and which said notices shall specify the several acts required to be done by persons who may be desirous of solemnizing marriage, or of registering the birth of any child or the death of any person, under the provisions of this Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

1836.—BIRTHS in the District of *Mary-le-bone*, North, in the County of *Middlesex*.

No.	When Born.	Name if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Registrar.	Baptismal Name, if added after Registration of Birth.
1	7th Jan.	James.	Boy.	Will. Green.	Rebecca Green, formerly Jennings.	Carpenter.	William Green, Father, Carpenter, 17, North Street, Marylebone.	9th Jan.	John Cox, Registrar.	

[The Figures and Italics in this Schedule to be filled in as the Case may be.]

SCHEDULE (B.)

1836.—DEATHS in the District of *Mary-le-bone*, North, in the County of *Middlesex*.

No.	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Registrar.
17	4th Feb.	William Green.	Male.	43	Carpenter.		Rebecca Green, Widow, 17, North Street, Mary-le-bone.	5th February.	John Cox, Registrar.

[The Figures and Italics in this Schedule to be filled in as the Case may be.]

CAP. LXXXIX.

AN ACT to provide for the Attendance and Remuneration of Medical Witnesses at Coroners Inquests.

(17th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. Coroner empowered to summon medical witnesses, and to direct the performance of a post-mortem examination.
2. A majority of the jury may require the coroner to summon additional medical evidence if the first be not satisfactory.
3. Fees to medical witnesses; to be paid out of funds collected for relief of the poor.
4. No fee for a post-mortem examination instituted without order from the coroner.
5. Inquests on bodies of persons dying in public institutions.
6. Penalty on medical practitioner for neglecting to attend.
7. Act not to extend to Scotland.

By this Act,

After reciting that it is expedient to provide for the attendance of medical witnesses at coroners' inquests, also remuneration for such attendance, and for the performance of post-mortem examinations at such inquests;—

It is Enacted,

I. That from and after the passing of this Act, whenever upon the summoning or holding of any coroner's inquest it shall appear to the coroner that the deceased person was attended at his death or during his last illness by any legally qualified medical practitioner, it shall be lawful for the coroner to issue his order, in the form marked (A.) in the Schedule hereunto annexed, for the attendance of such practitioner as a witness at such inquest; and if it shall appear to the coroner that the deceased person was not attended at or immediately before his death by any legally qualified medical practitioner, it shall be lawful for the coroner to issue such order for the attendance of any legally qualified medical practitioner, being at the time in actual practice in or near the place where the death has happened; and it shall be lawful for the coroner, either in his order for the attendance of the medical witness, or at any time between the issuing of such order and the termination of the inquest, to direct the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, by the medical witness or witnesses who may be summoned to attend at any inquest; provided that if any person shall state upon oath before the coroner that in his or her belief the death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person, such medical practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased.

II. That whenever it shall appear to the greater number of the jurymen sitting at any coroner's inquest, that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or other witness or witnesses who may be examined in the first instance, such greater number of the jurymen are hereby authorized and empowered to name to the coroner in writing any other legally qualified medical practitioner or practitioners, and to require the coroner to issue his order, in the form hereinbefore mentioned, for the attendance of such last-mentioned medical practitioner or practitioners as a witness or witnesses, and for the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, whether such an examination has been performed before or not; and if the coroner, having been thereunto required, shall refuse to issue such order, he shall be deemed guilty of a misdemeanor, and shall be punishable in like manner as if the same were a misdemeanor at common law.

III. That when any legally qualified medical practitioner has attended upon any coroner's inquest in obedience to any such order as aforesaid of the coroner, the said practitioner shall for such attendance at any inquest in Great Britain be entitled to receive such remuneration or fee as is mentioned in the Table marked (B.) in the Schedule hereunto annexed; and for any inquest held in Ireland, the said practitioner shall be paid in the manner provided by the laws in force in that part of the United Kingdom; and the coroner is hereby required and commanded to make, according to the form marked (C.) in the Schedule hereunto annexed, his order for the payment of such remuneration or fee, when the inquest shall be held in Great Britain, and such order may be addressed and directed to the churchwardens and overseers of the parish or place in which the death has happened; and such churchwardens and overseers, or any one of them, is and are hereby required and commanded to pay the sum of money mentioned in such order of the coroner to the medical witness therein mentioned, out of the funds collected for the relief of the poor of the said place.

IV. Provided, That no order of payment shall be given, or fee or remuneration paid, to any medical practitioner for the performance of any post-mortem examination which may be instituted without the previous direction of the coroner.

V. Provided, That when any inquest shall be holden on the body of any person who has died in any public hospital or infirmary, or in any building or place belonging thereto, or used for the reception of the patients thereof, or who has died in any county or other lunatic asylum, or in any public infirmary or other public medical institution, whether the same be supported by endowments or by voluntary subscriptions, then and in such case nothing herein contained shall be construed to entitle the medical officer whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid to the fees or remuneration herein provided.

VI. That where any order for the attendance of any medical practitioner as aforesaid shall have been personally served upon such practitioner, or where any such order not personally served shall have been received by any medical practitioner in

sufficient time for him to have obeyed such order, or where any such order has been served at the residence of any medical practitioner, and in every case where any medical practitioner has not obeyed such order, he shall for such neglect or disobedience forfeit the sum of 5*l.* sterling, upon complaint thereof made by the coroner or any two of the jury before any two Justices having jurisdiction in the parish or place where the inquest under which the order issued was held, or in the parish where such medical practitioner resides; and such two Justices are hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint, and, if such medical practitioner shall not shew to the said Justices a good and sufficient cause for not having obeyed such order, to enforce the said penalty by distress and sale of the offender's goods, as they are empowered to proceed by any Act of Parliament for any other penalty or forfeiture.

VII. That nothing in this Act contained shall extend to Scotland.

SCHEDULE to which this Act refers.

(A.)

Form of Summons.

CORONER'S INQUEST at upon the Body of
By virtue of this my Order as Coroner for you are required to appear before me and the Jury at
on the Day of One thousand eight hundred and , at of the Clock, to give
Evidence touching the Cause of Death of [and then add, when the Witness is required to make or assist at a post-mortem Examination, and make or assist in making a post-mortem Examination of the Body [with or without] an Analysis, as the Case may be,] and report thereon at the said Inquest.

(Signed)

Coroner.

To Surgeon [or M.D., as the Case may be.]

(B.)

Table of Fees.

1. To every legally qualified Medical Practitioner for attending to give Evidence under the Provisions of this Act at any Coroner's Inquest whereat no post-mortem Examination has been made by such Practitioner, the Fee or Remuneration shall be One Guinea.
2. For the making of a post-mortem Examination of the Body of the Deceased, either with or without an Analysis of the Contents of the Stomach or Intestines, and for attending to give Evidence thereon, the Fee or Remuneration shall be Two Guineas.

(C.)

Coroner's Order for the Payment of Medical Witnesses.

BY virtue of an Act of Parliament passed in Session of holden in the intituled,
I, the Coroner of and for do order you, the Overseers of the Parish [or Township, as the Case may be,] to pay to the Sum of [One Guinea, or Two Guineas, as the Case may be,] being the Fee [or Fees] due to him for having attended as a Medical Witness at an Inquest holden before me this Day of
upon the Body of about the Age of who was found dead at [or other Particulars
or Description], and at which said Inquest the Jury returned a Verdict of

(Signed)

Coroner.

Witnessed by me of
To the Overseers, et cetera.

CAP. CI.

AN ACT to legalize certian Lists of Voters and of Claims and Objections for the present Year.

(30th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. All notices, claims, &c. under recited Act valid, this year, if done within the time prescribed by order in council of 11th July 1832.
2. Revising Barristers Courts for this year to be held between 15th October and 25th November.—Register.
3. Sheriff to appoint a person to act as returning officer in case of vacancy.

By this Act,

After reciting that doubts have been occasioned with respect to the days and times upon or within which notices, claims, objections, and other matters by 2 Will. 4. c. 45, intituled, 'An Act to amend the Representation of the People in England and Wales,' required to be given, delivered, transmitted, done, or performed in relation to such lists, should be respectively given, delivered, transmitted, done, and performed in this year :—

It is Enacted,

I. That in all cases in which the overseers of the poor of any parish or township shall have given notice requiring all persons who may be entitled to vote in the election of a knight or knights of the shire to serve in Parliament, in respect of any property situate wholly or in part in such parish or township, to deliver or transmit to the said overseers on or before the 20th of August in the present year, instead of the 20th of July, as fixed by the said Act, a notice of their claim as such voters according to the form by the said Act prescribed, or to the like effect, and shall, on or before the last day of August in the present year, have made out or caused to be made out, according to the form numbered 3. in the Schedule H. to the said Act annexed, an alphabetical list of the names of all persons who shall have so claimed as aforesaid, in respect of any lands or tenements situate wholly or in part within such parish or township, as having been entitled on the last day of July in the present year to have their names inserted in such list, and also of the names of all persons who shall be upon the register for the time being as such voters, and in all cases in which the overseers of the poor of any parish or township wholly or in part situate within any city or borough, or place sharing in the election for any city or borough, shall have made out, in the manner and according to the form prescribed by the said Act, on or before the last day of August, and not on or before the last day of July, in this year, an alphabetical list of all persons entitled on the said last day of July, if duly registered according to the provisions of the said Act, to vote in the election of a member or members to serve in Parliament for such city or borough in respect of the occupation of premises of the clear yearly value of not less than 10*l*., all notices, claims, objections, and other matters by the said Act required to be given, delivered, transmitted, done, or performed in relation to such lists shall, in this year but not afterwards, if given, delivered, transmitted, done, or performed upon or within the same days of the several calendar months of this year which were respectively appointed for the like purpose in the corresponding months of the year 1832 by an order made by His Majesty, with the advice of his most honourable Privy Council, bearing date the 11th of July 1832, be as good and of the same force and effect as if they had been given, delivered, done, transmitted, or performed respectively upon or within the days and times in the said Act specified in that behalf.

II. That in lieu of the period by the said Act limited for the revision of the respective lists of voters by the barristers, the Courts for that purpose shall be held at some time between the 15th of October inclusive and the 25th of November inclusive in the present year, but not afterwards; and such respective lists shall be copied out into books by the persons and in the manner respectively prescribed by the said Act on or before the last day of November in the present year; and every such book shall be the register of electors to vote at any election which shall take place between the first day of December next inclusive and the first day of November 1837.

III. That if at any time during which any precept ought to be issued, or other act done by or with regard to the returning officer for any city, borough, or town, the office of returning officer for such city, borough, or town shall happen to be vacant, it shall be lawful for the sheriff for the time being of the county in which such city, borough, or town shall be situate, or which shall be next adjoining to such city, borough, or town, and he is hereby required, by writing under his hand, to appoint some fit person as his deputy to perform during such vacancy the duties of returning officer of such city, borough, or town; and that if at any time, on the receipt of any sheriff or sheriffs of a writ or precept for the return of a member or members to serve in Parliament for any city, borough, or town, the office of returning officer for such city, borough, or town, shall happen to be vacant, in such case it shall be lawful for such sheriff or sheriffs, and he or they are hereby required, by himself or themselves, or by his or their deputy, to act on that occasion as returning officer for such city, borough, or town.

CAP. CIII.

AN ACT to make temporary Provision for the Boundaries of certain Boroughs.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *Part of recited Act repealed.—New provision as to boundaries of boroughs, &c.—Proviso as to the liability of rate-payers.—Proviso as the election of mayor, &c.*
2. *Boundaries of the borough of Sunderland.*
3. *The division of boroughs into wards by the barristers not to be affected by the exclusion of any ward or part of a ward.—If a borough has been so divided that the whole of a ward shall consist of a district excluded by this Act, a new assignment of councillors to be made by the barrister until Parliament shall otherwise direct.*
4. *Local Acts for the relief of the poor not to be affected.*
5. *Nothing herein to affect the assessments of the land or assessed taxes, or the jurisdiction of the Commissioners.*
6. *Berwick-upon-Tweed declared a county to all intents but for parliamentary elections.*

By this Act,

After reciting that by the provisions of an Act, 5 & 6 Will. 4. c. 76, the boundaries of certain boroughs named in the Schedules (A.) and (B.) to the said Act annexed were made to include all the liberties of such boroughs and large tracts of land beyond the limits of the towns, and which ought not to be included therein :—

It is Enacted,

I. That so much of the said Act for regulating corporations as provides that the metes and bounds of every borough and county named in the said Act shall include the whole of the liberties of such borough and county by land and by water is hereby repealed; and that, notwithstanding anything in the said Act contained, no part of any county, or of the liberties of any borough, town, or city, named in the first sections of the Schedules (A.) and (B.) annexed to the said Act for regulating corporations, which before the passing of the said Act was not part of such borough, town, or city, or within the parliamentary boundary of such borough, town, or city, shall be taken to be within the metes and bounds of any such borough, town, or city, or within the county of such borough, town, or city, or to be within the jurisdiction of the Justices of such borough, town, or city, or county of a borough, town, or city; and that no part of any county, or of the liberties of any borough, town, or city, named in the second section of the said Schedules (A.) and (B.), which was not part of such borough, town, or city before the passing of an Act, 2 & 3 Will. 4. c. 64, intituled, 'An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament,' shall, for the purposes of the said Act passed in the last session of Parliament be taken to be within the metes and bounds of any such borough, town, or city, or within the county of such borough, town, or city, or to be within the jurisdiction of the Justices of such borough, town, or city, or county of a borough, town, or city, but every such part, until Parliament shall otherwise direct, shall be taken to be within and to be subject to the same jurisdiction as the county, riding, parts or divisions of a county, other than a county of a borough, town, or city, wherein such part is situated or with which it has the longest common boundary: Provided also, that all the provisions of the said Act for regulating corporations concerning the liability of the rate-payers of any place or precinct which under the provisions of this Act shall not be included within any such borough, town, or city, or county of a borough, town, or city, to any debt to which the rate-payers of such borough, town, or city, or county of a borough, town, or city, were liable to contribute before the passing of the said Act for regulating corporations, shall be applicable to such place or precinct as if the same had not been included within the metes and bounds of such borough, town, or city under the provisions of the said Act for regulating corporations: Provided also, that no election of any mayor, alderman, councillor, auditor, or assessor heretofore made, or any other proceeding whatsoever, in any such borough, town, or city, since the 25th of December last, shall be liable to be questioned after the passing of this Act by reason that any such part of any county, or liberties of any borough, town, or city, may or may not have been taken to be part of such borough, town, or city under the provisions of the said Act.

II. Provided, That, notwithstanding anything in this Act contained, the borough of Sunderland, for the purposes of the said Act passed in the last session of Parliament, and until Parliament shall otherwise direct, shall consist of the parish of Sunderland, the townships of Monkwearmouth and Monkwearmouth Shore, and so much of the townships of Bishop Wearmouth and Bishop Wearmouth Panns as is included within a circle of one mile from the centre of Wearmouth Bridge.

III. That the division of every borough, town, and city into wards by the barrister or barristers appointed in pursuance of the provisions of the said Act for regulating corporations shall not be annulled or vitiated by the exclusion of any ward or wards, or any part of any of the said wards which shall be excluded from such borough, town, or city by this Act, but the said division shall remain in all other respects in force until Parliament shall otherwise direct, as if the ward or wards, or part of a ward or wards, so excluded from the borough, town, or city, had not been at any time included therein: Provided nevertheless, that if any borough, town, or city shall have been so divided into wards that the whole of any one or more wards shall consist wholly of a district excluded from such borough, town, or city by this Act, the barrister or barristers who originally divided the borough, town, or city into wards shall, as soon as conveniently may be after the passing of this Act, assign the councillors who were chosen in such ward or wards to the remaining wards of the borough, town, or city, or such of them as he or they shall select, upon the same principles, or as nearly as may be, in his or their judgment, as were provided by the said Act for the guidance of the barristers in their assignment of councillors to each ward, and thenceforth, and until Parliament shall otherwise direct, the number of councillors in each of the remaining wards shall be the number originally assigned to such ward by the barrister or barristers, with the addition of the number so assigned to it by the barrister or barristers under this Act, and the councillors so assigned under this Act to each ward shall thenceforth be deemed to have been elected in the ward to which they shall have been respectively so assigned, and shall go out of office, and vacancies among them shall be filled at the same time and in the same manner, as if the burgesses of the ward by whom they were originally elected had been burgesses of the ward to which they shall have been so assigned.

IV. That nothing contained in the said Act for regulating corporations shall be construed to affect any local Act heretofore passed for the relief and management of the poor, or to alter the district comprised within the provisions of any such local Act.

V. That nothing contained in the said Act for regulating corporations shall be construed to affect or alter the assessments of the land tax or assessed taxes, or to extend or diminish the jurisdiction of any Commissioners of Land and Assessed Taxes; but that all manors, lands, tenements, and hereditaments, and all parishes and parts of parishes, and places, shall continue to be charged as heretofore towards the land tax charged upon the county or other district of which they were a part before the passing of the said recited Act, and to be subject in that behalf to the jurisdiction of the Commissioners of the same county or other district as they would have been if the said recited Act had not been passed.

V. That the borough and town of Berwick-upon-Tweed, within the limits assigned to it by the said Act, or hereafter to be assigned to it by authority of Parliament, shall be a county of itself to all intents and purposes, except only so far as relates to the return of a member or members to serve in Parliament; and that the provisions of the Act, 3 & 4 Will. 4. c. 74, inti-

tuled, 'An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance,' and the modes of assurance therein provided, shall extend and apply to lands locally situated in the said borough, town, and county, any law, statute, custom, or usage to the contrary notwithstanding.

CAP. CIV.

AN ACT for the better Administration of the Borough Fund in certain Boroughs.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *New securities may be given for old debts.*
2. *Extending the power of disposition given to the council as to certain demises;—and the power allowed to be exercised over the lands, &c. with the approbation of the Treasury.*
3. *Treasurer of a borough may apply proceeds of sales as herein mentioned.*
4. *Persons assigned to keep the peace in any borough may act as Justices in levying county rates made before May 1836.*
5. *Mayor may issue his warrant for levying borough rate, &c.*
6. *Burgesses competent witnesses.*
7. *Mayor, &c. if enrolled on burgess roll not liable to penalty for so acting.*
8. *Corporate offices may be resigned on payment of the fine.—Proviso for persons refusing on conscientious grounds.*
9. *Reservation of exemption from tolls enjoyed by persons in virtue of other than corporate rights.*
10. *Accounts of corporations to be transmitted to Secretary of State, and abstracts laid before Parliament.*

By this Act,

After reciting that by 5 & 6 Will. 4. c. 76, provision was made for the payment of the rents and profits of the real and personal estate of the mayor, aldermen, and burgesses of certain boroughs named in the Schedules (A.) and (B.) to the said Act annexed, and also for the payment of certain penalties to a fund to be called in each case "The Borough Fund" of that borough: And that certain difficulties have occurred in putting the said Act into execution, and certain penalties have been imposed, which ought not to be imposed, for the benefit of the said borough fund:—

It is Enacted,

I. That from and after the passing of this Act it shall be lawful for the council of any borough named in the said Schedules to execute from time to time any deed or obligation in the name of the body corporate whose council they are, for securing repayment and satisfaction of any debt or obligation contracted by or on behalf of the said body corporate before the passing of the said Act for regulating corporations.

II. That the power of disposition given to the council of any body corporate in the instances of demises for seventy-five years authorized by the said Act, shall extend to the demise or lease thereof, either at a reserved rent or a fine, or both, as the council shall think fit; and the power of disposition allowed by the said Act over the lands, tenements, and hereditaments of such body corporate, to be exercised with the approbation of the Lords Commissioners of His Majesty's Treasury or any three of them shall extend to the disposition of such lands, tenements, and hereditaments, with such approbation as aforesaid, whether by way of absolute sale, or by way of exchange, mortgage, or charge, demise or lease, and to every other disposition of the same whatsoever which shall be so approved of as aforesaid.

III. That nothing in the said Act contained shall be construed to restrain the treasurer of any borough, under the direction of the council, from applying the proceeds of the sale of any advowson, or right of nomination or presentation to any benefice or ecclesiastical preferment, directed by the said Act, which shall have been paid to him, or any part thereof, towards the liquidation of any debt contracted before the passing of the said Act by the body corporate named in the said Schedules in conjunction with such borough.

And after reciting that by the said Act it is provided, that no person assigned to keep the peace within any borough, town, or city under the provisions of the said Act shall by virtue of such assignment act as a Justice of the Peace in making or levying any county rate, or rate in the nature of a county rate:—

It is Enacted,

IV. That, notwithstanding anything in the said Act contained, it shall be lawful for any such person to act as a Justice of Peace in levying any county rate, or rate in the nature of a county rate, which shall have been legally made previously to the 1st of May 1836.

V. That in any case in which, for the purpose of levying any county rate, a warrant might be lawfully issued by one or more Justices of the Peace, a warrant may be lawfully issued in the like case by the mayor of any borough named in the said Schedules, under his hand and the corporate seal of the said borough, whether the matter of such warrant relates to the borough rate or to the watch rate; and that in every case in which in a matter relating to the county rate a warrant is required to be

directed to or issued by a high constable, such warrant may in a like matter relating to the borough rate or watch rate be directed to or issued by the high constable of the borough, or any borough officer of the like description, or by any person or persons who may have been or may hereafter be appointed by the council of the borough for the purpose of collecting the said borough rate or watch rate, or either of them.

VII. That no burgess of any borough named in the said Schedules shall be deemed an incompetent witness in any suit or proceeding at law or in equity by reason of his being a member of such body corporate, or interested in the borough fund of any borough.

VIII. That, notwithstanding anything in the said Act contained, no person enrolled on the burgess roll for the time being of any borough named in the Schedules to the said Act, and who shall act as mayor, alderman, or councillor, auditor or assessor, of such borough, shall be liable to any penalty for so acting on the ground that he was not entitled to be on the burgess list of such borough.

And after noticing that no provision is made in the said Act for resigning any corporate office on payment of a fine or otherwise;—

It is Enacted,

VIII. That every person elected into any corporate office in any of the said boroughs may at any time resign such office on payment of the fine which he would have been liable to pay for non-acceptance of the same office; provided that no person enabled by law to make an affirmation instead of taking an oath shall be liable to any fine for non-acceptance of office in any borough by reason of his refusal on conscientious grounds to take any oath or make any declaration required by the said Act, or to take upon himself the duties of such office.

IX. That nothing contained in the said Act for regulating corporations shall be construed to alter or affect the right of any person claiming discharge or exemption from tolls levied in whole or in part by or to the use of any body corporate by virtue of any title to such discharge or exemption other than as an inhabitant of any borough, or as a citizen, freeman, or burgess, or as a member by any name whatsoever of any body corporate named in the said Schedules, or as the widow or kindred of any such inhabitant, citizen, freeman, burgess, or member of such body corporate.

X. That the council of each borough, town, or city named in the said Schedules, or in which a body corporate of mayor, aldermen, and burgesses may be created under the provisions of the said Act, shall, before the 1st of March in each year, transmit to one of His Majesty's principal Secretaries of State a statement of all monies received and expended on account of the mayor, alderman, and burgesses of that borough, town, or city within the year preceding, which statement shall be prepared in such form and manner as the Secretary of State shall direct, and such accounts shall refer to the year ended upon the 1st of January of the year in which such account is hereby required to be so transmitted; and an abstract of such statements and accounts, under general heads, shall be laid before both houses of Parliament during their sitting in the same year, in which they are hereby required to be transmitted as aforesaid.

CAP. CV.

AN ACT for the better Administration of Justice in certain Boroughs.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. County Justices may contract with council of a borough in which there is a sufficient gaol for the committal of county prisoners thereto.—If there is a separate Court of Quarter Sessions in the borough such offenders may be tried there.
2. Power to try prisoners at borough sessions, although committed for trial under contract to a county prison more than two miles from the borough.
3. Oaths required to be taken by recorder, &c. may be taken before the mayor or two aldermen or councillors.
4. Mayor to hold over until acceptance of office by his successor.
5. Sheriff to be elected on 9th November instead of 1st November.
6. Coroner may appoint a deputy in case of illness or unavoidable absence.—Proviso.
7. Extension of jurisdiction of courts of requests.
8. Powers of local Acts heretofore exercised by Justices in Quarter Sessions, and not within the powers of the recorder, vested in the Council.
9. Provision for holding courts of record.
10. Repeal of part of 5 & 6 Will. 4. c. 76. as to Courts of Quarter Sessions for the Cinque Ports, and new provision made.
11. Justices acting under commissions granted by virtue of 51 Geo. 3. c. 36. may exercise all the powers of Justices in counties relating to the granting of licences to victuallers.
12. His Majesty may appoint the Vice Chancellor of Cambridge University to be a Justice of the borough.—Proviso as to Vice Chancellor's power of licensing alehouses.

By this Act,

After reciting that by reason of certain defects in 5 & 6 Will. 4. c. 76, the administration of civil and criminal justice is injuriously hindered and delayed in certain boroughs named in the Schedules (A.) and (B.) to the said Act annexed :—

It is Enacted,

I. That the Justices of the Peace of any county, riding, parts, or division of a county shall have the same powers of contracting with the council of any borough, town, or city named in the said Schedules in which it shall have been made to appear to the satisfaction of one of His Majesty's principal Secretaries of State that there is a gaol or house of correction fit for the confinement of prisoners, for the conveyance to and support and maintenance in such gaol or house of correction of prisoners committed thereto by any Justice or Justices of such county, ridings, parts, or division of a county, which the council of any other borough have with respect to prisoners committed to such gaol or house of correction from such last-mentioned borough; and all the provisions of 5 Geo. 4. c. 85, intituled, 'An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales,' shall extend, or as nearly as may be, to all such contracts; and in case His Majesty shall have granted to the borough, town, or city in which such gaol or house of correction shall be situated a separate Court of Quarter Sessions of the Peace, such offenders may be tried and sentenced by such Court for all offences of which the Court has cognizance, and punished accordingly, and all the provisions of the last-recited Act, 5 Geo. 4. c. 85, shall extend as nearly as may be to the trial and punishment of such offenders, and to all acts necessary for such trial or consequent thereon.

And after observing that it is expedient to enlarge the powers given to the councils of the boroughs named in the said Act for the regulation of municipal corporations, in which a separate Court of Quarter Sessions of the Peace shall be holden, of contracting with the Justices of the Peace having authority or jurisdiction in and over any gaol or house of correction of the county, riding, or division wherein such borough is situated or wherunto it is adjacent, for the conveyance, support, and maintenance in such last-mentioned gaol or house of correction of prisoners committed thereto from such borough;—

It is Enacted,

II. That it shall be lawful to try any such prisoner at the borough court of Quarter Sessions of the Peace, and for the proper officer of such borough to direct the removal of such prisoner for trial, and to do all other acts necessary for such trial or consequent thereon, notwithstanding that the gaol or house of correction so receiving under contract a prisoner committed for trial may be situate more than two miles from the usual place of trial of such borough.

And after reciting that it is by the said recited Act enacted, that no recorder or person assigned to keep the peace within any such borough shall be capable of acting as recorder or Justice of the Peace within such borough until he shall have taken the oaths provided to be taken by Justices of the Peace, except the oath as to qualification by estate;—

It is Enacted,

III. That all oaths so required to be taken by any such recorder or person assigned to keep the peace may be taken before the mayor or any two aldermen or councillors of the said borough, without suing out or obtaining any special *dedimus* or other commission or authority for administering such oaths.

And after reciting that by the said Act it is provided, that the mayor of every borough named in the said Schedules (A.) and (B.) shall continue in his office for one whole year;—

It is Enacted,

IV. That the mayor of every such borough shall continue in office for one whole year, and until his successor shall have accepted the office of mayor, and shall have made and subscribed the declaration required in that behalf.

V. That so much of the said Act as provides for the appointment of any sheriff on the 1st of November in this or any following year is hereby repealed; and that every such appointment of sheriff shall be on the 9th of November, at the quarterly meeting of the council, and immediately after the election of mayor, and in all other respects according to the provisions of the said Act; and every sheriff appointed under the provisions of the said Act or of this Act shall hold his office until the appointment of his successor.

VI. That in case of illness or unavoidable absence the coroner for the time being of any borough, town, or city named in the said Act shall be empowered and he is hereby required, by writing under his hand and seal, to appoint a fit person, being a barrister at law or an attorney of one of His Majesty's Courts at Westminster, and not being an alderman or councillor of such borough, town, or city, to act for him as deputy coroner during the illness or unavoidable absence of such coroner, but no longer or otherwise: Provided always, that the mayor or two Justices of such borough, town, or city shall on each occasion certify under their hands and seals the necessity for the appointment of such deputy coroner; and such certificate shall state the cause of absence of the coroner, and shall be openly read to every inquest jury summoned by such deputy coroner; and the particulars of every inquest holden before any deputy coroner shall be included in the return to be made by the coroner to the Secretary of State, as provided by the said Act.

VII. That in every case in which before the passing of the said Act a court of requests or of conscience for the recovery of small debts was established in any borough, town, city, or county of a town or city, the boundary whereof shall have been enlarged by the said Act, the jurisdiction of such court shall be extended to such enlarged boundary: Provided nevertheless, that nothing herein contained shall extend to give such court cognizance of any suit which before the passing of this Act could not be brought therein, and could be brought in some other court of conscience or requests.

VIII. That every thing provided under any local Act of Parliament to be done exclusively by any particular or limited number, class, or description of the members of any body corporate named in the Schedules (A.) and (B.) annexed to the said Act for regulating corporations, the continuance of which is not inconsistent with the provisions of the said Act, and also every thing provided in any such local Acts to be done by the Justices, or by some particular class or description of members of such body corporate, being Justices, at some Court of General or Quarter Sessions assembled, and which does not relate to the business of a court of criminal or civil judicature, shall and may be done by the council at some quarterly meeting of the council,

or by some committee of the council, or any three or more of such committee to be appointed at a quarterly meeting of the council: Provided also, that everything herein authorized to be done at a quarterly meeting of the council may be done at a meeting of the council to be specially summoned for that purpose as soon as may be after the passing of this Act: Provided also, that no Recorder by virtue of his office shall have power to allow, apportion, make or levy, or do any act whatsoever with relation to the allowance, apportionment, making, or levying of any rate whatsoever.

And after noticing that doubts have arisen as to the provisions of the said Act for regulating corporations respecting Judges in borough courts of record for the trial of civil actions not regulated by the provisions of any local Act of Parliament, or in which at the time of passing the said Act a barrister of five years standing did not act as Judge or assessor:—

It is Enacted and Declared,

ix. That from and after the passing of this Act the recorder, and in the absence of the recorder such person, being a barrister of not less than five years standing, as shall be appointed by the Recorder under his hand and seal to hold the said court, shall be the Judge of such court and shall hold the said court at such times as the said recorder in his discretion may think fit, or as His Majesty shall think fit to direct; and every recorder or person so appointed to hold such court shall be entitled to have such salary paid to him out of the borough fund as the council shall fix by some bye law to be made in that behalf: Provided also, that all rules hereafter to be made for regulating the practice of such courts shall be approved and signed by the recorder of such borough, if there shall be a recorder, before the same shall be submitted to the Judges of the superior courts for allowance and confirmation by them according to the provisions of said recited Act.

x. That so much of the said Act as provides that the Courts of Quarter Sessions of the Peace of the towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye, or of such of the said towns and ports and ancient town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall have jurisdiction over offences and matters committed, arising, and happening within the towns named in the Schedule to the said Act which are ancient corporate members and liberties of the said towns and ports and ancient town respectively, and to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and also provides that any or either of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and ancient town of Rye, to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and their or its members and liberties, shall, for all purposes relating to the jurisdiction of Courts of Quarter Sessions of the Peace, be respectively within the jurisdiction of the Courts of Quarter Sessions of the Peace of the nearest other of the said towns and ports or ancient town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, is hereby repealed; and it is hereby enacted, that, until other provision shall be made by Parliament in that behalf, Courts of General Sessions of the Peace and gaol delivery shall and may be holden in and for the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and ancient town of Rye, or such of the said towns and ports and ancient town to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and for the ancient members and liberties thereof, not being corporate, and also in and for the towns of Deal, Faversham, Folkestone, and Tenterden, or such of the said towns to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, before the person who at the time of the passing of the said Act was or acted as recorder or steward or assessor, or by whatsoever other name he was called, of the said towns and ports, ancient town and towns respectively, or in case of his death or resignation or absence, or in case there was no such recorder, or steward, or assessor, then before any barrister at law, of not less than five years standing, whom His Majesty shall appoint to hold the same, in the same manner in other respects, and with the same powers and authorities, as before the passing of the said Act, except as regards the trial of capital felonies; and so long as such Courts of General Sessions of the Peace and gaol delivery shall be holden the offices of Clerk of the Peace and Coroner shall be holden and exercised by the same persons, or by the same officers of such of the said towns and ports, ancient town and towns respectively, to which His Majesty shall not grant a separate Court of Quarter Sessions, by whom or by which the same were holden at the time of the passing of the said Act, or in case of their death or resignation, or there being no longer such officers, then by such persons as the councils of such towns and ports, ancient town and towns respectively, shall appoint to hold the same, with the same powers and authorities as before the passing of the said Act; and the non-corporate members and liberties of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and the said ancient town of Rye, shall and may be chargeable and charged by the Courts of General or Quarter Sessions of the Peace holden for the same respectively with a due proportion of the expenses of such towns and ports and ancient town respectively, and the non-corporate members and liberties thereof, to the payment of which expenses rates in the nature of county rates are applicable, and the same shall and may be assessed and levied in the manner in which rates of that description were assessed and levied before the passing of the said Act; and a due proportion of inhabitant householders to serve as grand jurors and jurors at the Courts of General or Quarter Sessions of the Peace of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the said ancient town of Rye, shall be summoned by the clerks of the peace of the said towns and ports and ancient town from the non-corporate members and liberties thereof respectively, and the attendance of such jurors shall be enforced and their defaults punished in the manner by the said Act directed with respect to jurors in boroughs.

xi. That His Majesty's Justices of the Peace acting under the authority of a commission or commissions issued by virtue of an Act, 51 Geo. 3. c. 36, intituled, 'An Act to facilitate the Execution of Justice within the Cinque Ports,' shall and may have and exercise all the jurisdictions, powers, and authorities belonging to Justices of the Peace in counties relating to the granting of licences or authorities to persons to keep inns, alehouses, or victualling houses, or to sell excisable liquors by retail, within any of the said towns and ports of Hastings, Sandwich, Dover, and Hythe, and of the ancient town of Rye respectively, which shall not have Justices of the Peace assigned to them by virtue of the said Act passed in the last session of Parliament, and the non-corporate members and liberties thereof, and also within any of the said towns of Deal, Faversham, Folkestone, and Tenterden respectively, which shall not have Justices of the Peace assigned to them by virtue of the same Act.

And after noticing that doubts have been entertained whether, under the provisions of the said recited Act, it may be lawful for His Majesty from time to time to constitute and appoint the Vice Chancellor of the university of Cambridge for the time being a Justice of the Peace in and for the town and borough of Cambridge:—

It is Enacted,

XII. That it shall be lawful for His Majesty, his heirs and successors, from time to time, if His Majesty shall so think fit, in and by his commission of the peace for the said town and borough to constitute and appoint the Vice Chancellor of the university for the time being a Justice of the Peace for the said town and borough, anything in the said recited Act or in this Act to the contrary notwithstanding: Provided always, that no Vice Chancellor of the said university, by reason of his being named in any commission of the peace for the said town and borough, shall thereby have, as touching the grant of licences to alehouses, any greater authority as Justice of the Peace than any other Justice of the Peace named in any such commission, but that nothing in this Act shall be construed to alter or in any way to affect the rights and privileges which the Vice Chancellor by virtue of his office now lawfully has or enjoys, or might have lawfully had and enjoyed if the Vice Chancellor had not been appointed under the provisions of this Act a Justice of the Peace for the said town and borough.

CAP. CXI.

AN ACT to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given.

(20th August 1836.)

By this Act,

After reciting, that by 7 & 8 Geo. 4. c. 28, provision is made for the more exemplary punishment of offenders who shall commit any felony not punishable with death after a previous conviction for felony: And that since the passing of the said Act the practice has been on the trial of any person for any such subsequent felony to charge the jury to inquire at the same time concerning such previous conviction: And that doubts may be reasonably entertained whether such practice is consistent with a fair and impartial inquiry as regards the matter of such subsequent felony, and it is expedient that such practice should from henceforth be discontinued:—

It is Enacted,

That from and after the passing of this Act it shall not be lawful on the trial of any person for any such subsequent felony to charge the jury to inquire concerning such previous conviction until after they shall have inquired concerning such subsequent felony, and shall have found such person guilty of the same; and whenever in any indictment such previous conviction shall be stated, the reading of such statement to the jury as part of the indictment shall be deferred until after such finding as aforesaid: Provided nevertheless, that if upon the trial of any person for any such subsequent felony as aforesaid such person shall give evidence of his or her good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the indictment and conviction of such person for the previous felony before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction for felony at the same time that they inquire concerning the subsequent felony.

CAP. CXIV.

AN ACT for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney.

(20th August 1836.)

ABSTRACT OF THE ENACTMENTS.

1. *All persons tried for felony after 1st October next may make their defence by counsel or attorney.*
2. *In cases of summary conviction.*
3. *Copies of depositions to be allowed to prisoners.—Proviso.*
4. *Prisoners entitled to inspect depositions on trial.*
5. *Act may be altered this session.*

By this Act,

After reciting that it is just and reasonable that persons accused of offences against the law should be enabled to make their full answer and defence to all that is alleged against them:—

It is Enacted,

I. That from and after the 1st of October next all persons tried for felonies shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto, by counsel learned in the law, or by attorney in courts where attorneys practise as counsel.

II. That in all cases of summary conviction persons accused shall be admitted to make their full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

III. That all persons who after the passing of this Act shall be held to bail or committed to prison for any offence against the law shall be entitled to require and have, on demand, (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, not exceeding 1*l*.d. for each folio of ninety words: Provided always, that if such demand shall not be made before the day appointed for the commencement of the assize or sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge or other person to preside at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall nevertheless be competent for such Judge or other person so to preside at such trial, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. That all persons under trial shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions (or copies thereof) which have been taken against them, and returned into the court before which such trial shall be had.

V. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament; and that nothing herein contained shall extend to Scotland.

SLAVE COMPENSATION RULES.

[The following General Rules framed by the Commissioners of Compensation, under 4 Will. 4. c. 73, (Law J. Statutes, 1833, p. 123.) altered and confirmed by His Majesty in Council, and inrolled in the Court of Chancery, being now of the same validity as if enacted by Parliament, it is thought proper to publish them as a part of the Statutes, together with the orders of the Committee of the Privy Council.]

AT THE COUNCIL-CHAMBER, WHITEHALL,
the 17th day of April, 1834.

By a Committee of the Lords of His Majesty's Most Honourable Privy Council.

Whereas the Commissioners appointed by His Majesty under the authority of an Act, 3 & 4 Will. 4, intituled, 'An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves;' have transmitted to the Lord President of the Council certain general rules framed by the said Commissioners, under the 47th and 55th clauses of the said Act; and whereas the said rules have been laid by the Lord President of the Council before His Majesty in Council, who has been pleased to refer the same to this Committee:

It is, thereupon, ordered by their Lordships, in pursuance of the provisions of the said Act, that the said rules (which are hereunto annexed) be published three times in the *London Gazette*.

And their Lordships are pleased to order and declare, and it is hereby ordered and declared, that all persons interested in or affected by such general rules may, within six months from this date, appeal against any such rules to His Majesty in Council.

WM. L. BATHURST.

GENERAL RULES under the 47th and 55th Clauses of the Act, 3 & 4 Will. 4. c. 73.

Whereas by an Act, 3 & 4 Will. 4. c. 73, intituled, 'An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves;' the Commissioners to be appointed thereby for apportioning and distributing the compensation provided by the said Act, are authorized and required by the 47th clause to institute certain inquiries for the purpose of regulating the apportionment within the several colonies of that part of the general compensation fund which shall be assigned to each of the said colonies; and the said Commissioners are especially directed to have regard to the relative value of prædial slaves and of unattached slaves in every such colony, and to distinguish such slaves, whether prædial or unattached, into distinct classes; and, with all practicable precision, to ascertain and fix the average value of a slave in each of the said classes:

And whereas we, the undersigned Commissioners appointed by His Majesty under the authority of the said Act for inquiring into and deciding upon the claims to compensation which may be preferred under the said Act, after making the inquiries thereby directed, have ordered a return of the number of slaves and estimated value thereof in each of the said colonies to be made, according to the classes and in the form hereunto annexed, marked (A):

And whereas the said Commissioners are further required by the said 47th clause, to draw up and frame all such general rules, regard being had to the laws and usages in force in each colony respectively, as to them may seem best adapted for securing the just and equitable distribution of the said funds amongst or for the benefit of the several persons entitled thereto, and for the protection of such funds, and for the appointment and indemnification of trustees; now, therefore, we, the undersigned Commissioners, have, in obedience to such directions, drawn up and framed the following

RULES:

1. That the party or parties who shall be in possession as owner or owners of any slave or slaves, and shall appear as such by the latest returns made in the office of the Registrar of Slaves under the Registry Acts in the respective colonies, shall be deemed *primâ facie* the rightful owner or owners thereof respectively, and *primâ facie* entitled to the compensation money to be awarded in respect thereof.

SLAVE COMPENSATION RULES.

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2. That in respect to all persons who, as owners or creditors, legatees or annuitants, may have any joint or common interest in any slave or slaves, or may be entitled to or interested in any slave or slaves, either in possession, remainder, reversion, or expectancy, the compensation monies to be awarded in respect of such slave or slaves shall be deemed to be of the same nature, and impressed with the same character for all purposes whatsoever, so far as the same can be so taken and applied, as the slave or slaves in respect of whom such monies shall be allotted, and shall be subject to the same rules of distribution, and to the same charges and liabilities, as the same slave or slaves respectively would have been subject to according to the several estates and interests of the parties entitled thereto, and agreeably to the law and usages of the particular colony in which such slave or slaves may be registered or settled.

3. That the compensation monies to be awarded in respect of any slave or slaves, subject to any trusts or powers whatsoever, shall be subject to the same trusts or powers in all respects as the same slave or slaves were subject to.

4. That in cases in which any such compensation monies, or any interest therein, shall belong to or be vested in any married woman, infant, lunatic, or person of insane or unsound mind, or person beyond the seas, or labouring under any other legal or natural disability or incapacity, for the protection of whose rights and interests it may be necessary to make provision, and in all other cases in which it may appear to be necessary for protecting any estates or interests, and securing the due application of the compensation monies to be awarded in respect thereof, the Commissioners shall appoint Trustees having regard to the wishes of the parties interested, and shall by their award declare the rights and interests of the parties and the trusts and limitations in pursuance thereof, together with all necessary provisions for the indemnity of the Trustees; and shall direct the compensation monies to be invested in the public funds in the names of such Trustees, for the benefit of the parties entitled thereto, in pursuance of such trusts and according to such respective rights and interests.

5. That in case of the death of any person entitled to such compensation monies who may die intestate before the award of such compensation, the succession to such monies shall be the same as the succession to the interest in the slave or slaves in respect of whom the compensation shall be allotted, according to the law of the particular colony in which such slave or slaves were registered or settled.

6. That the apportionment of the compensation monies amongst the persons seized of or entitled to, or having any mortgage, charge, incumbrance, judgment, or lien upon or any claim to, or right or interest in, any slave or slaves to be manumitted by the said Act, at the time of such their manumission, shall be made according to the priority which such mortgage, charge, incumbrance, judgment, or lien, claim, right, or interest, may respectively have in or upon such slave or slaves according to the laws and usages in force in the particular colony in which such slave or slaves may be registered or settled, but shall be subject to all the equities to which such mortgage, charge, incumbrance, judgment, or lien, claim, right or interest in such slave or slaves may respectively be liable.

7. That in all cases in which any slave or slaves, or the compensation in respect thereof, shall be the subject of any suit in any court of law or equity in the United Kingdom, and to the Commissioners it shall seem meet, the compensation awarded to be paid in respect of such slave or slaves, shall, under the direction of the said court, be paid into the said court, to be subject to the orders, directions, and decrees of the court in which such suit may be depending; and in cases in which such slave or slaves shall be the subject of any suit in any court of law or equity in the colony of Jamaica, and to the Commissioners it shall meet, the compensation in respect of such slave or slaves shall be paid, under the direction of the said court, to the Receiver-General of the said island, to be subject to the decrees, orders, and directions of the said court in which the suit may be depending.

And in all cases in which such slave or slaves or the compensation in respect thereof, shall be the subject of any suit in any court of law or equity in any other colony than Jamaica, and to the said Commissioners it shall seem meet, the compensation monies awarded in respect of such slave or slaves shall, under the direction of the Court of Exchequer at Westminster to be made upon petition to be preferred in a summary way, be paid into the Bank of England, in the name and with the privity of the Accountant-General of the Court of Exchequer, to be placed there, *ex parte* "the persons named in the award and therein specified as the plaintiffs and defendants in the said suit," pursuant to the method prescribed by an Act, 1 Geo. 4, intituled, 'An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster, on account of the Suitors of the said Court, and for other Purposes,' and the general orders of the said Court, and without fee or reward; and the said monies when so paid in shall, under such direction as aforesaid, be invested by the said Accountant-General in his name, *ex parte* the said account, in the purchase of 3 $\frac{1}{2}$ per cent. consolidated bank annuities, and the dividends thereon, and also the dividends on all future investments, as they arise and become due, shall be invested by the said Accountant-General in his name, in like manner, so that the same may accumulate for the benefit of the parties entitled thereto; and the said compensation monies so invested as aforesaid, and the said accumulations shall be paid and transferred under such direction as aforesaid to the person or persons to whom the same shall be directed to be paid or transferred by the decree, order, or judgment of the court in the colony made in the said suit there depending or any court of appeal, and a copy of such decree, order, or judgment of the court in the colony or court of appeal, signed by the proper officer of such court, shall be sufficient evidence of such decree, order, or judgment in the said Court of Exchequer.

And whereas by the 55th clause of the said Act, the said Commissioners are required to frame and publish general rules, to be confirmed, allowed, and inrolled, as thereby directed, prescribing the form and manner of proceeding to be observed by any claimant or claimants preferring their claims under the said Act, upon the prosecution of such claims, and in making any opposition to the same, and for the conduct of the proceedings under the said commission: We, therefore, the undersigned Commissioners, in obedience to the directions of the said 55th clause, have drawn up and framed, in so far as relates to all the colonies or possessions mentioned and enumerated in the said Act, except the Cape of Good Hope and Mauritius, the following

RULES:

1. That all persons in possession of and claiming compensation for any slave or slaves to be manumitted under the same Act, shall prefer their claims before the Assistant Commissioners in the respective colonies in which the said slave or slaves may be registered or settled, on or about the 1st of March 1835, in the form herewith annexed, marked (B.)

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2. That every such claim shall be accompanied by a certificate signed by the Registrar of Slaves of the colony in which such claim shall be made, that the number of such slaves mentioned in such claim (except any increase by birth since the last registry, as mentioned at the foot of such claim) are duly registered, together with the name or names of the person or persons by whom such slave or slaves have been registered.

And in case the property in any slave or slaves shall have been changed, between the last registration and the 1st of August 1834, the claimant must briefly state his title from the person in whose name the slaves were last registered.

3. That the said Assistant Commissioners shall from time to time, with all convenient speed after receipt thereof, make out complete lists of all such claims according to the form following, that is to say:

Name and Description of Claimant, or Person in Possession of the Slaves.	Plantation or other Domicile of Slaves.	Number of Slaves.

and shall cause the same to be published in the different newspapers of the said colony, or shall make the same known in such manner as to them shall seem most effectual for giving notice of the subject of such claim to all parties interested therein, in all parts of the said colony.

4. That such claims for compensation be made to the Assistant Commissioners, in the respective colonies, in duplicate, and that one part be transmitted by them to the Commissioners in London, and filed in their office, and the other kept and filed in the office of the Assistant Commissioners.

5. That any person having, or claiming to have, any right, title, or interest, in or to, or any mortgage, judgment, charge, incumbrance, or lien upon any slave or slaves included in such claims, or any right, title, or interest thereto, under or by virtue of any deed, will, testamentary instrument, or conveyance whatsoever, or in any other manner whatsoever, and claiming to receive the compensation for such slave or slaves, or any of them, in opposition to the original claimant, shall prefer a counter claim before the Assistant Commissioners in the respective colonies on or before the 1st of May 1835, or in London, before the Commissioners on or before the 1st of September 1835: Provided always, that in case no original claim shall have been filed within the time limited by the first rule for that purpose, any person claiming a right to receive the compensation as above mentioned, or any part thereof, may prefer his claim thereto instead of a counter claim, and such claim shall be deemed and taken and be made in the same form, and be subject to the same rules of proceeding in all respects as a counter claim, and with the same liberty of replying thereto as hereinafter directed, as if an original claim had been preferred.

6. That in cases in which no counter claim shall have been preferred in the colonies on or before the 1st of May 1835, the Assistant Commissioners within their respective colonies, shall report the amount of compensation which may appear to them to be due upon each of the several claims, on application of the parties, or their agents, and transmit forthwith copies or lists of such several reports to the Commissioners in London; and in cases in which no counter claim shall have been preferred before the Commissioners in London, on or before the 1st of September 1835, the Commissioners may proceed to award the compensation according to the several claims upon the application of the parties or their agents.

7. That in all cases in which a counter claim for the whole or any part of the compensation shall be preferred, such counter claim shall set forth the estate or interest, right or title, intended to be insisted on, and the dates, parties, and legal effect of the deeds or other instruments under which the counter claim is made, with the date of registration in the proper office in the colony; and in all cases of mortgage, judgment, charge, incumbrance, or lien, such counter claim shall also set forth for what sum the same was granted or recovered, what payments (if any) have been made thereon, and the dates of such payment, and what remains due thereon, whether the same is the prior lien or otherwise, on the property included therein, and also the legal effect of such securities upon slaves, according to the law and usage of the particular colony in which such slaves have been registered or settled; and that in addition thereto, the substance of such counter claim be embodied and arranged in the tabular form hereunto annexed, marked (C.)

8. That upon such counter claim being filed within the limited periods aforesaid, notice thereof be forthwith given by the party making the same to the party against whom it is made, or his agent, and a copy thereof be furnished to such party or his agent on application at the office of the Commissioners, or of the Assistant Commissioners in the colony.

9. That within three months after such counter claim has been filed, and such notice given, the original claimant may file a replication to the said counter claim before the Assistant Commissioners, or the Commissioners in London, and give notice forthwith of such replication to the counter claimant, or his agent, and a copy thereof be furnished to such counter claimant, or his agent, on application at the office of the Commissioners in London, or of the Assistant Commissioners in the colony.

10. That in case no replication be filed within the time aforesaid, the Commissioners may, on proof of notice of the counter claim having been served on the original claimant, or his agent, proceed to consider the claim and counter claim, and give such further directions, and make such award as to them shall seem fit in respect to the compensation to be paid thereon.

11. That in case a replication shall be filed within the time aforesaid, the Commissioners may, either upon application of the parties interested, or their agent for such purpose, or if to the Commissioners it shall seem fit, direct proof to be adduced in support of such claim, counter claim, or replication, by the production of deeds or other documents, or by interrogatories

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on oath or affirmation, to be drawn and exhibited to the parties or witnesses, or by affidavits, or by *vide voce* examination of witnesses, as the case may require.

12. That on such proof as aforesaid being made, the Commissioners shall, on the application of any of the parties interested, or their agents, cause a notice to issue to all the claimants and counter claimants in such proceedings named, that the said Commissioners will on a day in such notice to be named, proceed to make their adjudication and award; copies of such notice to be served by the party applying for the same on all such claimants and counter claimants, or their agents.

13. That with the consent of the several parties, the Assistant Commissioners in their respective colonies be authorized to consider and proceed according to the several rules hereinbefore stated, to ascertain and report the amount of compensation appearing to be due to any of the litigant parties, in cases of contested claims, and transmit forthwith lists or copies of their proceedings and reports to the Commissioners.

14. That the Commissioners shall, upon such proceedings and reports being received from the Assistant Commissioners, proceed to the adjudication and award of the compensation which shall appear to be due according to such lists, reports, and proceedings.

15. That all persons claiming to act on behalf of any party interested in the said compensation monies shall lodge with the Commissioners or Assistant Commissioners, as the case may be, a power of attorney, or other authority, under the hand of the party or parties so interested, to be registered in the proceedings of the said Commissioners or Assistant Commissioners, and no other than the person or persons named in such power of attorney or authority shall be entitled to act in that behalf so long as such power shall continue in force.

(Signed) (L. S.) JAMES LEWIS.

(L. S.) JOHN GEORGE SHAW LEFEVRE.

(L. S.) SAMUEL DUCKWORTH.

(L. S.) THOMAS AMYOT.

(L. S.) HENRY FREDERICK STEPHENSON.

(L. S.) HASTINGS ELWIN.

Name of Estate, or Domicils of Slaves.	(A.) [Name of Colony.] RETURN Of the NUMBER of SLAVES and ESTIMATED VALUE thereof, in each Class, in Possession of on the 1st day of August 1834.	No.
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TOTAL NUMBER OF SLAVES

DIVISIONS.	No.	CLASSES.	Male.	Female.	No.	Value in Sterling.
Prædial Attached.	1	Head People				
	2	Tradesmen				
	3	Inferior Tradesmen				
	4	Field Labourers				
	5	Inferior Field Labourers				
Prædial Unattached.	1	Head People				
	2	Tradesmen				
	3	Inferior Tradesmen				
	4	Field Labourers				
	5	Inferior Field Labourers				
Non-Prædial.	1	Head Tradesmen				
	2	Inferior Tradesmen				
	3	Head People employed on Wharfs, Shipping, or other Avocations }				
	4	Inferior People of the same description				
	5	Head Domestic Servants				
	6	Inferior Domesticities				
Children under Six Years of Age on the 1st of August, 1834 ..						
Aged, Diseased, or otherwise Non-effective						

WE, the undersigned, being two of the Valuers appointed to classify and value the slaves in the above-named Colony, do on our oaths declare, after due examination and inquiry, that the above Return is a just, true, and accurate Classification

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and valuation of the slaves therein mentioned, on the 1st day of August, 1834, according to the best of our knowledge, information, and belief.

Dated this day of 1834.
Sworn this day of 1833 } (Signed)
Before me

(B.)

FORM OF CLAIM,

FOR THE COMPENSATION TO BE AWARDED FOR SLAVES.

Name of Estate, } [Name of Colony.] { No.
or Domicile of Slaves. } (Same No. as Return.)

The claim of *A. B.* of
[as owner in fee &c. (a)] (by *C. D.* his Attorney as the case may be) to the com-
in the parish of Slaves in the possession of the said *A. B.* on the 1st day of August 1834, duly registered
pensation for [except as undermentioned (b)] and described in the return made thereof, on the day of 1834.
(Signed, &c.)

(a) Character in which the claim is made, as

Owner in fee,	}	Guardian,
Tenant in Tail for life,		Sequestrator,
or years,		Committee,
Mortgagee,		Executor,
Trustee,		Administrator,
Receiver,		or otherwise.

(b) In case any children shall have been born between the last registration and the 1st of August 1834, and included in the return, their names, ages, and names of Mothers to be stated at foot of the claim.

And in case the property in any slave or slaves shall have been changed between the last registration and the 1st of August 1834, the claimant must briefly state his title from the person in whose name the slaves were last registered.

(C.)

FORM OF COUNTER CLAIM.

Name of Estate, } [Name of Colony.] { No.
or Domicile of Slaves. } (Same number as Claim
or Return.)

The Counter Claim of *A. B.* of [by *C. D.* his Attorney, as the case may be] in respect
of certain Slaves registered in the said Colony, and in the possession of and described in the return
thereof, dated the day of 1834.

[Particulars of Counter Claim.]

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SCHEDULE TO COUNTER CLAIM.

Name of Estate,
or Domicile of Slaves. }

[Name of Colony.]

No. (Same Number as the Claim
or Return.) }

Name and Address of Party preferring Counter Claim.	Description of Estate, Right, Title, or Interest of Counter Claimant, with a reference to Do- cuments in support thereof.	Amount due on Mortgage, Judg- ment, or other Lien or Incumbrance, in Sterling Money.	Description of Slaves, being the object of Counter Claim.	Number of Slaves.	Estimated Value of Slaves in Sterling, com- prised in Counter Claim.
			<p>PRÆDIAL ATTACHED.</p> <p>1. Head People</p> <p>2. Tradesmen</p> <p>3. Inferior Tradesmen</p> <p>4. Field Labourers.....</p> <p>5. Inferior Field Labourers ..</p> <p>PRÆDIAL UNATTACHED.</p> <p>1. Head People</p> <p>2. Tradesmen</p> <p>3. Inferior Tradesmen</p> <p>4. Field Labourers.....</p> <p>5. Inferior Field Labourers ..</p> <p>NON-PRÆDIAL.</p> <p>1. Head Tradesmen</p> <p>2. Inferior Tradesmen</p> <p>3. Head People employed on Wharfs, Shipping, or other Avocations }</p> <p>4. Inferior People of the same description }</p> <p>5. Head Domestic Servants ..</p> <p>6. Inferior Domesticities</p> <p>Children under 6 Years of Age on the 1st of August 1834 }</p> <p>Aged, Diseased, or otherwise Non-effective }</p>		

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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

6 & 7 WILL. IV.

- i. An Act for better lighting with Gas the Borough of Reading and Hamlet of Whitley in the County of Berks, by a Company to be called the Reading Union Gas Company.
- ii. An Act to amend an Act passed in the Fifth Year of the Reign of His present Majesty, for repairing the Road from Farborough to Riverhill, in the Parish of Sevenoaks in the County of Kent; and for making a new Line of Road to communicate therewith.
- iii. An Act for removing the Markets held in the Town or Village of Bridgend in the County of Glamorgan, and for providing other Market Places in lieu thereof, and for regulating and maintaining the same.
- iv. An Act to establish a Company for more effectually lighting with Gas the City and County of the City of Exeter and certain Parishes and Places in the County of Devon.
- v. An Act for the better supplying the Borough of Reading in the County of Berks, and the Neighbourhood thereof, with Gas.
- vi. An Act for extending the Time for building a Bridge over the River Avon from Clifton in the County of Gloucester to the opposite Side of the River in the County of Somerset.
- vii. An Act to incorporate the Subscribers to the Middlesex Hospital, and for better enabling them to carry on their charitable Designs.
- viii. An Act for repairing and maintaining the Road from Rochdale in the County Palatine of Lancaster to Halifax and Ealand in the West Riding of the County of York.
- ix. An Act for repairing the Road from the Town of Buckingham in the County of Buckingham to the West Chester or Holyhead Road in the Parish of Passenham in the County of Northampton, and from the North-east End of the Town of Stony Stratford to Newport Pagnell in the said County of Buckingham.
- x. An Act for making and maintaining a Turnpike Road and Branches leading from Radcliffe towards Bolton and Bury, all in the County of Lancaster.
- xi. An Act for erecting a County Hall and Courts of Justice, and for providing Accommodation for His Majesty's Justices of Assize, for the Eastern Part of the County of Suffolk.
- xii. An Act for building new Courts of Assize at Bodmin for the County of Cornwall, and for providing Judges Lodgings, and other Purposes connected therewith.
- xiii. An Act for the more easy and speedy Recovery of Small Debts within the Prestbury Division of the Hundred of Macclesfield in the County of Chester.
- xiv. An Act for making a Railway from Birmingham to Gloucester, with a Branch therefrom.
- xv. An Act to enable the Bristol and Clifton Oil Gas Company to produce Gas from Coal and other Materials; and to amend the Act relating to the said Company.
- xvi. An Act to enlarge the Powers of several Acts for effecting Improvements in the Streets and other Places within the Town of Manchester.
- xvii. An Act for making a Turnpike Road from Richmond to Reeth in the County of York.
- xviii. An Act for altering and amending an Act of the Fourth and Fifth Years of the Reign of His present Majesty, intitled, 'An Act for making and for more effectually maintaining and repairing certain Roads in the County of Lanark, and for building a Bridge over the River Clyde at Crossford in the said County.'
- xix. An Act for making and maintaining a Turnpike Road from Saint Leonards and Saint Mary Magdalen to the Royal Oak Inn at Whittington, and through Sedlescombe to Cripp's Corner in the Parish of Ewhurst, in the County of Sussex.
- xx. An Act to incorporate the Governors of the Westminster Hospital at the Broad Sanctuary, Westminster, and for conferring Powers the better to enable them to carry on their charitable Designs.
- xxi. An Act to enable the Proprietors or Shareholders of the Family Endowment Society to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Society.
- xxii. An Act to alter and amend an Act passed in the First and Second Year of the Reign of His present Majesty, for better raising and securing the Fund established for making Provision for the Widows of the Writers to His Majesty's Signet in Scotland.
- xxiii. An Act for the more easy and speedy Recovery of

- Small Debts within the Borough of Leicester in the County of Leicester.
- xxiv. An Act for erecting and maintaining a Justiciary Court Hall and other Apartments for the Use of the Justiciary Court at Glasgow, and also Public Offices for the City of Glasgow and the Lower Ward of the County of Lanark; and for other purposes therein mentioned.
- xxv. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of Crediton in the County of Devon.
- xxvi. An Act to enable John Howard Kyan to assign to a Company certain Letters Patent.
- xxvii. An Act to alter, amend, and enlarge the Powers of an Act for lighting with Gas the City and County of the City of Exeter, and for lighting with Gas the several Parishes of Alphington, Heavitree, Saint Leonard, Saint Thomas the Apostle, and Topsham, in the County of Devon.
- xxviii. An Act for lighting with Gas the Towns of New Mills and Hayfield, and the Neighbourhoods thereof, in the County of Derby.
- xxix. An Act for making and maintaining a Dock or Docks at Southampton.
- xxx. An Act to enable the Wearmouth Dock Company to make and maintain a proper and convenient Entrance into the Wearmouth Dock at the Port of Sunderland in the County Palatine of Durham.
- xxxi. An Act to enlarge the Powers of the several Acts passed for making and maintaining the Saint Katherine Docks in the County of Middlesex.
- xxxii. An Act for making and maintaining a Railway from the Royal Burgh of Dundee in the County of Forfar to the Royal Burgh of Arbroath in the same County.
- xxxiii. An Act for making a Railway from the Town of Belfast to the City of Armagh in the Province of Ulster in Ireland.
- xxxiv. An Act for making and maintaining a Railway between the Royal Burgh of Arbroath in the County of Forfar and the Royal Burgh of Forfar in the same County.
- xxxv. An Act for making a Railway from the London and Birmingham Railway, near Birmingham, to Derby, to be called "The Birmingham and Derby Junction Railway," with a Branch.
- xxxvi. An Act for making a Railway from Bristol to Exeter, with Branches to the Towns of Bridgwater in the County of Somerset and Tiverton in the County of Devon.
- xxxvii. An Act for making a Railway from Aylesbury to join the London and Birmingham Railway near the Village of Cheddington in the County of Buckingham.
- xxxviii. An Act to alter the Line of the Great Western Railway, and to amend the Act relating thereto.
- xxxix. An Act for building a Bridge over the River Aire at Leeds, and for making convenient Roads, Avenues, and Approaches thereto.
- xl. An Act for amending and enlarging the Powers of the several Acts for building a Bridge over the River Thames at Henley-upon-Thames in the County of Oxford.
- xli. An Act to alter and amend an Act passed in the Twentieth Year of His late Majesty King George the Third, intituled, 'An Act for repairing, enlarging, and preserving the Harbour of Aberystwyth in the County of Cardigan.'
- xlii. An Act for improving, maintaining, and regulating the Harbour of Teignmouth and the Navigation of the River Teign in the County of Devon.
- xliii. An Act for improving, enlarging, and extending the Firth and Clyde Navigation, and certain Harbours and Works belonging thereto and connected therewith; and for making and maintaining Two Branch Cuts or Canals from the said Navigation.
- xliv. An Act to enable the British Alkali Company to sue and be sued in the Name of the Secretary or of any One Member for the Time being of the said Company.
- xlv. An Act for establishing a General Cemetery in the Town and County of the Town of Nottingham.
- xlvi. An Act for making and maintaining as Turnpike a Road leading from the Flimwell to Hastings Turnpike Road at or near Beaupre in the Parish of Hollington to Hastings in the County of Sussex.
- xlvii. An Act for repairing and improving certain Roads in and leading to and from the Town and County of the Town of Poole, and for making certain new Lines of Road in the said Town and County, and leading thence towards Wareham and Blandford in the County of Dorset.
- xlviii. An Act for more effectually repairing the Road from the Totnes Road at Lady Down in the Parish of Ugborough to within Four hundred Yards of the Bridge over the Lary, and for repairing the Road communicating therewith from Hollowcombe Cross to the Town of Modbury and Dark Lane, all in the County of Devon.
- xlix. An Act for more effectually repairing the Roads from Harlow Bush Common to and into the Parish of Woodford, and the Road from Epping to Writtle, and other roads therein mentioned, all in the County of Essex.
- i. An Act for the more effectually repairing, improving, and maintaining the Road from the Town of Ashford to the Town of Maidstone in the County of Kent.
- ii. An Act to make and maintain a Canal in the County of Dumbarton from the Firth and Clyde Canal to the River of Clyde, opposite to the River of Cart.
- iii. An Act to amend and enlarge the several Acts relating to the Bolton and Leigh Railway, and for other Purposes.
- liii. An Act for repairing and improving the Road from Wakefield to Sheffield in the County of York.
- liv. An Act for enabling the Universal Life Assurance Society to sue and be sued in the Name of the Actuary for the Time being or of any One of the Directors of the said Society.
- lv. An Act for granting further Powers to a Company called "The Imperial Continental Gas Association."
- lvi. An Act to amend an Act to enable the Birmingham Coal Company to sue and be sued in the Name of their Secretary or One of the Members of the said Company; and to authorize the said Company to borrow a further Sum of Money; and for other Purposes relating to the said Company.
- lvii. An Act for incorporating certain Persons for carrying into effect the Purposes of an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled, 'An Act for enabling John Brandling and Robert William Brandling Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from Gateshead to South Shields and Monkwearmouth, all in the County Palatine of Durham, with Branches therefrom; and for other Purposes.'
- lviii. An Act for better supplying with Water the Township of Dukinfield in the County Palatine of Chester.
- lix. An Act for better paving, lighting, watching, and improving the Town of Teignmouth in the County of Devon, and for supplying the Inhabitants thereof with Water.
- lx. An Act to enable the Carlisle Canal Company to make a

- Dock or Docks at Port Carlisle otherwise Fishers Cross, and for amending and enlarging the Powers and Provisions of the Act for making and maintaining the said Canal.
- lxi. An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of Dundee, in the County of Forfar.
- lxii. An Act for more effectually repairing and improving the Road from the Eastern End of the Borough of Grampound, through the Towns of Saint Austell and Lostwithiel, and thence to the East End of the Western Tophouse Lane, in the County of Cornwall; and for making and maintaining certain new Roads communicating therewith.
- lxiii. An Act for making a Railway from the London and Greenwich Railway to the Deptford Pier, to be called 'The Deptford Pier Junction Railway.'
- lxiv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Bristol to raise a Sum of Money towards discharging the Monies borrowed under the Authority of an Act passed in the Second Year of the Reign of His present Majesty.
- lxv. An Act to alter, amend, and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, intituled 'An Act for the more effectual Preservation and Increase of the Breed of Salmon, and for better regulating the Fisheries in the River Tweed, and the Rivers and Streams running into the same, and also within the Mouth or Entrance of the said River.'
- lxvi. An Act for regulating, preserving, and improving the Port or Harbour of Newport in the County of Monmouth.
- lxvii. An Act for better supplying with Water the City of Gloucester and Parishes and Places in the County of Gloucester near thereto.
- lxviii. An Act to alter and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for incorporating the Hungerford Market Company.
- lxix. An Act to enable Charles Herbert Earl Manvers to endow the Chapelry of Perlethorp in the Parish of Ewdinstowe in the County of Nottingham, to create the same a separate Benefice, and to vest the Nomination of the Incumbents thereof in the said Earl and his Heirs.
- lxx. An Act to provide for the better Regulation of certain Common Pastures within the Borough of Beverley in the East Riding of the County of York.
- lxxi. An Act to extend the Time limited by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, for the improvement of the Newry Navigation.
- lxxii. An Act to amend and enlarge the Powers and Provisions of the several Acts for making the Ulster Canal in the Counties of Fermanagh, Monaghan, and Armagh, in Ireland.
- lxxiii. An Act to enable the Commissioners of Greenwich Hospital to improve a certain Street called King Street, in the Parish of Greenwich in the County of Kent; and for other Purposes.
- lxxiv. An Act for improving the Approach to the Town of Newton Abbot from the City of Exeter through the Village of Kingsteignton, in the County of Devon.
- lxxv. An Act for making a Railway from the London and Croydon Railway to Dover to be called 'The South-eastern Railway.'
- lxxvi. An Act for making and maintaining a Railway from the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne to North Shields in the County of Northumberland, with a Branch thereout in the County of Northumberland.
- lxxvii. An Act for making a Railway from Cheltenham and from Gloucester, to join the Great Western Railway near Swindon, to be called 'The Cheltenham and Great Western Union Railway,' with a Branch to Cirencester.
- lxxviii. An Act for making a Railway, with Branches, commencing at the London and Birmingham Railway in the Parish of Rugby in the County of Warwick, to communicate with the Towns of Leicester, Nottingham, and Derby, to be called 'The Midland Counties Railway.'
- lxxix. An Act for making a Railway from the Basin of the Kensington Canal at Kensington to join the London and Birmingham and Great Western Railways at or near Holsden Green in the County of Middlesex, and to be called 'The Birmingham, Bristol, and Thames Junction Railway.'
- lxxx. An Act for making a Railway from Kingston-upon-Hull to Selby.
- lxxxi. An Act for making a Railway from the City of York to and into the Township of Altofts, with various Branches of Railway, all in the West Riding of the County of York or County of the said City.
- lxxxii. An Act for making a Railway from Merthyr [Tydfil] to Cardiff, to be called 'The Taff Vale Railway,' with Branches.
- lxxxiii. An Act for more effectually improving and maintaining the Turnpike Road leading from the Cow-Cawsey near the Town of Newcastle-upon-Tyne to the Town of Belford, and from thence to Buckton Burn, in the County of Northumberland.
- lxxxiv. An Act to amend an Act of the Seventh year of His late Majesty King George the Fourth, for more effectually repairing and improving the several Roads leading to and from the Towns of Newton Bushell, South Bovey, and Mortonhamptead in the County of Devon.
- lxxxv. An Act to amend an Act passed in the Ninth Year of the Reign of King George the Fourth, for diverting, improving, and maintaining the Roads between the Towns of Birstall and Huddersfield in the West Riding of the County of York.
- lxxxvi. An Act for more effectually maintaining the Road from Teignmouth to Dawlish, and for making Roads from Dawlish to the Exeter Turnpike Roads, and certain Branches communicating with the same, all in the County of Devon; and to make and maintain other roads communicating with the said Roads.
- lxxxvii. An Act to vary and alter the Line of the Marlborough and Salisbury Road, and for making a Road from the same to Amesbury, in the County of Wilt.
- lxxxviii. An Act for authorizing the Trustees on the Bridges over the Clyde at Glasgow to continue, uphold, repair, and maintain the Wooden Bridge over the said River opposite to Portland Street of Laurieston; and for other Purposes therein mentioned.
- lxxxix. An Act for altering and extending the Powers of the Trustees upon the Road from Livingston by Shotts to the City of Glasgow, and placing under their Charge the Bridge across the River of Clyde called Hamilton Bridge, and the Avenues thereto, and the Road between the East and West Ends of the Town of Hamilton.
- xc. An Act for improving and maintaining the Navigation of the River Suir, and for making and constructing a Ship Canal at Carrick on Suir.
- xci. An Act for lighting with Gas and supplying with Water the Town of Tolcross and Places adjacent in the County of Lanark.
- xcii. An Act for altering and amending several Acts passed

- for improving the Outfall of the River Nene and the Drainage of the Lands discharging their Waters into the Wisbech River.
- xciii. An Act for extending and improving the Maintenance of the Fire Police in the Borough of Liverpool.
- xciv. An Act for enlarging the embankment of a Reservoir in the Valley of Wessenden in the Township of Marsden and Parish of Almondbury in the West Riding of the County of York, and for other Purposes.
- xcv. An Act for providing a more abundant and regular Supply of Water in the River called the Upper Bann, in Ireland.
- xcvi. An Act for maintaining the Public Conduits and other Waterworks belonging to the Town of Southampton, and for providing an additional Supply of Water for the inhabitants of the said Town and Neighbourhood.
- xcvii. An Act for incorporating a Company for the Improvement of Waste Lands in Ireland.
- xcviii. An Act to alter and amend an Act of His present Majesty, for improving the Port and Harbour of Aberavon in the County of Glamorgan, to further improve the said Harbour, and to change its Name.
- xcix. An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America" to sue and be sued in the Name of any One of the Directors or of the Secretary for the Time being of the said Company.
- c. An Act to authorize the City of Dublin Steam Packet Company to apply a Portion of certain Monies already subscribed in fulfilment of their Contracts for building Six additional Steam Vessels, and to legalize such Subscription.
- ci. An Act for improving the Navigation of a Portion of the River Parrett, and for making a Navigable Canal from the said River to Barrington, all in the County of Somerset.
- cii. An Act to amend the Acts for making a Railway from Dundee to Newtyle in the County of Forfar.
- ciii. An Act for making a Railway to form a Communication between London and Cambridge, with a view to its being extended hereafter to the Northern and Eastern Counties of England.
- civ. An Act for making a Railway to join the London and Birmingham Railway at or near the Regent's Canal in the Parish of Saint Pancras in the County of Middlesex, and proceed from thence to Skinner Street in the City of London, to be called "The London Grand Junction Railway."
- cv. An Act for making a Railway from near the River Tyne to or near the River Tees, to be called "The Great North of England Railway," in the County of Durham.
- cvi. An Act for making a Railway from London to Norwich and Yarmouth, by Romford, Chelmsford, Colchester, and Ipswich, to be called "The Eastern Counties Railway."
- cvi. An Act for making a Railway from Leeds to Derby, to be called "The North Midland Railway."
- cviii. An Act for making a Railway from or near Romford in the County of Essex to Shell Haven in the same County, and for constructing a Tide Dock at the Termination of the said Railway at Shell Haven aforesaid.
- cix. An Act for making a Railway from Sheffield to Rotherham, with a Branch therefrom to Greasbrough Canal, all in the West Riding of the County of York.
- cx. An Act to enable the Hayle Railway Company to make certain Alterations in the Lines of such Railway, and for other Purposes relating thereto.
- cx. An Act for making a Railway from Manchester to Leeds.
- cxii. An Act for altering, amending, and enlarging the Powers and Provisions of an Act for making and maintaining a Pier or Jetty and other Works at Herne Bay in the Parish of Herne in the County of Kent; and for giving additional Powers to the Herne Bay Pier Company.
- cxiii. An Act for making and maintaining a Harbour and other Works at Sidmouth in the County of Devon.
- cxiv. An Act to extend the Time limited by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for improving the Navigation and Harbour of Tralee in the County of Kerry.
- cxv. An Act for making and maintaining a Navigable Canal to connect the Rochdale Canal and the River Irwell in the Township of Manchester in the County of Lancaster.
- cxvi. An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, intituled 'An Act for erecting a Bridge over the River Dungleddau, within the Town and County of Haverfordwest and the Liberties thereof.'
- cxvii. An Act for regulating and improving the Town of Galway in the County of the same Town.
- cxvii. An Act for repairing, maintaining, and improving the Road from Dewsbury to Ealand in the West Riding of the County of York.
- cxix. An Act to enable the Liverpool Fire and Life Insurance Company to sue and be sued in the Name of the Chairman, Deputy Chairman, or of any One of the Directors of the said Company; and for other Purposes.
- cxx. An Act for the Amendment of Three several Acts passed in the Sixth, Tenth, and Forty-seventh Years of the Reign of His late Majesty George the Third, for the Recovery of Small Debts within the Hundreds of Blackheath, of Bromley and Beckenham, of Rokeley, otherwise Ruxley, and of Little and Lessness, in the County of Kent, and within the Hundred of Wallington in the County of Surrey; and to extend the Powers thereof.
- cxxi. An Act to enable the London and Croydon Railway Company to provide a Station and other Works in the Parish of Saint Olave in the Borough of Southwark in the County of Surrey; and to amend the Act relating to the said Railway.
- cxxi. An Act for making and maintaining a Railway from Preston to Longridge in the County Palatine of Lancaster.
- cxxi. An Act for making a Railway from the Minorities to Blackwall, with Branches, to be called "The Commercial Railway."
- cxxiv. An Act for making and maintaining a Harbour and Breakwaters at Tremouth Haven in the County of Cornwall; and for making and maintaining a Railway from thence to the Town of Launceston in the same County.
- cxv. An Act to amend an Act for more effectually maintaining and improving the Harbour of Dover in the County of Kent.
- cxvi. An Act to alter and amend the several Acts for the Improvement of the Harbour of Swansea in the County of Glamorgan, and for further improving the said Harbour.
- cxvii. An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for improving and maintaining the Navigation of the River Suir, and for making and constructing a Ship Canal at Carrick on Suir.
- cxviii. An Act for making and maintaining a Pier, Wharf and other Works at Greenwich in the County of Kent.

- cxix. An Act for establishing a Cemetery for the Interment of the Dead, Southward of the Metropolis to be called "The South Metropolitan Cemetery."
- cxix. An Act for establishing a Joint Stock Company for the Prosecution and Extension of the Fisheries off the Shores of Ireland, and for the Improvement of the Sea Coasts in Connexion with such Fisheries.
- cxix. An Act for making and maintaining a Railway or Railways from the City of Edinburgh to Leith, and to the Shore of the Frith of Forth at or near to Newhaven and Trinity, all in the County of Edinburgh.
- cxix. An Act for making a Railway from Dublin to Drogheda.
- cxix. An Act for building a Foot Bridge over the River Thames from Hungerford Market in the Parish of Saint Martin in the Fields in the County of Middlesex to the opposite Shore in the Parish of Lambeth in the County of Surrey, and for making suitable Approaches thereto.
- cxix. An Act for erecting and maintaining a Bridge across the River Thames from Church Street in the Parish of Saint Mary Lambeth in the County of Surrey to the opposite Bank of the said River near Market Street in the Parish of St. John the Evangelist within the City and Liberty of Westminster in the County of Middlesex.
- cxix. An Act to amend and render more effectual an Act passed in the Fourth and Fifth Year of the Reign of His present Majesty, intituled 'An Act for amending the Proceedings and Practice of the Court of Passage of the Borough of Liverpool in the County Palatine of Lancaster; and to repeal an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, intituled, 'An Act for the more easy and speedy Recovery of Small Debts in the Town and Port of Liverpool and Liberties thereof in the County Palatine of Lancaster;' and to give further Power for the Recovery of Small Debts within the Borough of Liverpool.
- cxix. An Act for establishing Cemeteries for the Interment of the Dead, Northward, Southward, and Eastward of the Metropolis, by a Company to be called "The London Cemetery Company."
- cxix. An Act to repeal Two Acts of the Reign of King George the Second, for the Recovery of Small Debts within the City and Liberty of Westminster, and for granting more effectual Powers for that Purpose.
- cxix. An Act for making and maintaining a Turnpike Road from Anniesland Toll Bar to Saint George's Road, and Branch Roads therewith connected, all in the County of Lanark.

PRIVATE ACTS,
PRINTED BY THE KING'S PRINTER,
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

6 & 7 WILLIAM IV.

1. An Act for inclosing Lands in the Parish of Hardwick in the County of Cambridge.
2. An Act for inclosing Lands in the Parish of Wootton in the County of Bedford.
3. An Act for inclosing Lands in the Parish of Orwell in the County of Cambridge, and for commuting the Tithes of the said Parish.
4. An Act for inclosing Lands in the Parish of North Runc-ton in the County of Norfolk.
5. An Act for inclosing Lands in the Parish of Alveston in the County of Gloucester, and in the Tithing of Tockington Upper in the Parish of Olveston in the same County.
6. An Act to amend an Act passed in the Fourth Year of the Reign of His present Majesty, for inclosing certain Lands within the Parish of Alstonefield in the County of Stafford.
7. An Act for dividing, allotting, and inclosing Lands within the Parish and Manor of Godmanstone in the County of Dorset.
8. An Act for inclosing and exonerating from Tithes Lands in the Parish of Stepingley in the County of Bedford.
9. An Act for settling and securing certain Parts and Portions of the Lands and Estate of Delvine in the County of Perth to and in favour of Sir John Muir Mackenzie Baronet, and the Series of Heirs entitled to take by certain Deeds of Entail made by George Muir Esquire, and under the Con-ditions and Limitations contained therein; and for vest-ing in lieu thereof the Lands and Estate of Cassencarie and others lying in the Stewartry of Kirkcudbright and Counties of Dumfries and Wigton in the said Sir John Muir Mackenzie, and his Heirs and Assigns, in fee Simple.
10. An Act to authorize the sale of One Fourth Part or Share of a certain Tenement and Farm called Limehurst, in the Parish of Ashton under Line in the County of Lancaster, late belonging to John Gartside of Haugh in the Parish of Rochdale in the said County of Lancaster, Yeoman, deceased, and for laying out the Purchase Money in the Purchase of other estates, to be settled to the same Uses.
11. An Act for inclosing Lands within the Parish of South Petherton in the County of Somerset.
12. An Act to enable Francis Earl of Moray to borrow a certain Sum of Money upon the Security of certain of his Entailed Estates, for repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.
13. An Act to enable the Reverend James White and the Persons for the Time being entitled to certain Estates situate in the Parish of Bonchurch in the Isle of Wight in the County of Southampton, devised by the Will of Charles Fitzmaurice Hill Esquire, deceased, to grant Building Leases.
14. An Act to amend an Act passed in the Third Year of the Reign of his late Majesty, for vesting the Lands and Barony of Dryden, and certain other Entailed Estates of Sir Charles Macdonald Lockhart Baronet, in Trustees, to be sold, and for laying out the Prices thereof in the Purchase of other Lands and Estates more conveniently situated, to be entailed in a similar Manner; to regulate the Manner of holding the said Estates; and to grant Powers of feuing to the Heirs of Entail.
15. An Act to vest a part of the Entailed Estate of Milliken in the County of Renfrew in Trustees, to sell the same, and apply the Price thereof, or the Securities to be granted there-on, towards satisfying the debts affecting the said Entailed Estate, and the Debt contracted for Money laid out in the Improvement of the same.
16. An Act for dividing, allotting, and laying in Severalty Lands in the Parishes of Marsh Baldon and Toot Baldon in the County of Oxford.
17. An Act to enable the Trustees of Bowdler's Blue Coat School in Shrewsbury to effect a Sale to John Jones Esquire of Estates called Trefnant and Llanerchrockwell in the Parish of Guilsfield in the County of Montgomery.
18. An Act to enable the granting of Leases of certain Parts of the Estates and Hereditaments of which the Right Honourable Henry Nevill Earl of Abergavenny is seised as Tenant in Tail Male under an Act passed in the Second and Third Years of the Reign of King Philip, and Queen Mary, and under the Limitations in the Will of George Lord Abergavenny in the said Act of Philip and Mary mentioned.
19. An Act for enabling James Edward Bradshaw Esquire and others to grant Leases of Estates in the County Palatine of Lancaster, devised by the Will of John Bradshaw Esquire, deceased.
20. An Act for consolidating the Rectories of Alford and Hornblotton in the County of Somerset, and for settling the Advowson of such consolidated Rectory; and also for rectifying a Settlement made in pursuance of the Will of the late John Thring Esquire, under the direction of the High Court of Chancery, of Estates in the County of Somers-et; and for other purposes.
21. An Act for empowering the Governors and Corporation of Etwell Hospital and Repton Free School in the County of Derby to sell certain Parts of their Estates in the same County, and to lay out the Monies arising from the sale thereof in the Purchase of other estates, to be conveyed to the same Uses.
22. An Act for authorizing the Sale a Part of the Estate, devised by the Wills of John Walker Heneage Esquire and Arabella Walker Heneage, and for investing the Produc

- in the Purchase of other Estates, to be settled to the same Uses.
23. An Act for enabling the Earl of Courtown and the Trustees of his Marriage Settlement to grant Building Leases of Part of his settled Estates in Ireland.
24. An Act confirming a certain Lease granted by the Mayor and Commonalty and Citizens of the City of London, Governors of the Possessions, Revenues, and Goods of the Hospital of King Edward the Sixth, called Christ's Hospital, and for extending the powers to grant Building Leases given to them by An Act passed in the Sixth Year of the Reign of King George the Fourth.
25. An Act to explain and extend the Powers of the Governors of the Hospital in Edinburgh, founded by George Heriot, Jeweller to King James the Sixth.
26. An Act for enabling Franz Anton Bernhardt to assign to a Company, and for enabling them to purchase and carry into effect the purposes of a Patent granted to him for warming and ventilating Buildings; and for other Purposes.
27. An Act to invest Part of the Entailed Estate of Skibo and others in the county of Sutherland in Trustees in Fee Simple, for Sale, and to raise a further sum of Money by Loan, for the several Purposes therein mentioned.
28. An Act to enable Sir John Ogilvy Baronet, and the Heirs of Entail succeeding to him in the Estate of Cairnie and others, lying in the County of Forfar, to grant Feus of certain Parts thereof.
29. An Act for enlarging the Powers of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled 'An Act for vesting the Estates devised by the Will of Hannah Pownall Widow, deceased, situate in the County of York, in Trustees, for sale, and for investing the Purchase Money in the Purchase of other Estates to be settled to the former Uses;' and for authorizing the rebuilding of certain Mills on the said devised Estates, called Copley Mills, out of the Monies to arise from such Sales, and out of the Monies to be raised by Mortgage of the said devised Estates remaining unsold.
30. An Act for authorizing a Sale of Glebe Land, belonging to the Vicarage of Dudley in the County of Worcester, and for other Purposes.
31. An Act for vesting certain detached Parts of the Lands and Estate of Douglaston and others, situated in the Counties of Stirling and Dumbarton which were entailed by John Glassford of Douglaston Esquire, deceased, in Trustees, to be sold for the Purpose of paying Debts and Charges affecting the Entailed Estate and of purchasing other Lands contiguous and convenient thereto.
32. An Act to authorize Grants and long Leases for Building Purposes of an Estate in the Parish of Rochdale in the County of Lancaster, being Part of the Settled Estates of the late Charles Chadwick Esquire.
33. An Act for rendering effectual an Agreement entered into by the Dean and Chapter of Worcester for enfranchising certain Lands and Hereditaments situate in the Parish of Stoke Prior in the County of Worcester, and Parcel of the Manor of Stoke Prior; and for other Purposes.
34. An Act for removing Doubts from the Title of Devises under the Bill of Eusebius Horton Esquire, deceased.
35. An Act for enabling the Right Honourable Louisa Augusta Baroness Langford to release her Husband the Right Honourable Hercules Langford Baron Langford, and his Estates in the County of Meath in Ireland, from a certain Annuity or yearly Rent-charge thereon.

PRIVATE ACTS,

NOT PRINTED.

36. An Act for naturalizing His Excellency Admiral Paul Tchitchagoff and Catherine Tchitchagoff his Daughter.
37. An Act for naturalizing Frederick Steiner.
38. An Act for naturalizing Nicholas Ring.
39. An Act for naturalizing John Peter Darthez the younger.
40. An Act for naturalizing Bernhard Michaelis.
41. An Act for naturalizing Julius Focke.
42. An Act to enable Edward Hicks Gentleman to use and bear the Surname and Arms of Hicks, in compliance with the Will of the Reverend James Hicks deceased.
43. An Act to dissolve the Marriage of Edward Hodges Esquire with Clara Rebecca his now Wife, and to enable him to marry again; and for other Purposes.
44. An Act for inclosing and exonerating from Tithes Lands in the Parish of Abbotsey in the County of Huntingdon.
45. An Act for naturalizing James Liebreich, Herrman Julius Marcus, Edward Wurtzburg, and Lewis Heymann.
46. An Act for naturalizing Peter Anthony Steinkeller.
47. An Act for naturalizing Edward Stopford Claremont.
48. An Act for naturalizing Hermann Philipp Rée.
49. An Act for naturalizing Leopold Reiss.
50. An Act for naturalizing Johann Daniel Sopchay.
51. An Act for naturalizing Johann Jacob Schmidt.
52. An Act to authorize Dame Mary the Wife of Sir William Pilkington Baronet to bear the Surnames of Milborne and Swinnerton jointly with the Surname of Pilkington, and to be called by the surnames of Milborne Swinnerton Pilkington; and for authorizing the said Sir William Pilkington and Dame Mary his Wife to bear or quarter the Arms of Swinnerton of Butterson and Milborne; and also for authorizing the Second Son of the said Sir William Pilkington and Dame Mary his Wife, and his Issue, to assume and bear the Surnames of Milborne Swinnerton in lieu of the Surname of Pilkington, and to bear or quarter the said Arms of Swinnerton of Butterson and Milborne, in compliance with a Condition contained in the Will of Thomas Swinnerton Esquire, deceased.
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6 & 7 WILLIAM IV.

Shewing whether they relate to the Whole or to any Part of the United Kingdom, viz.

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I.	Ireland.
E. & I.	England and Ireland.
G.B.	Great Britain.
G.B. & I.	Great Britain and Ireland.
U.K.	The Whole of the United Kingdom.

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— imposing countervailing Excise Duties on Mixtures, &c. made from or with Spirits removed from Ireland to England or Scotland, or from Scotland to England, and to repeal additional Excise Duties on Licences to Retailers of Spirits, &c.	72. U.K.	Trinity House (Corporation of), vesting Lighthouses, Lights, &c. Sea Marks in Turnpike Roads, continuing for One Year the several Acts for regulating	79. E.
Stafford (Borough), indemnifying Witnesses giving Evidence before the House of Lords on a Bill to exclude it from sending Burgesses to Parliament	10. E.	— continuing [to 1st June 1838] several Acts relating to	40. I.
Stage Carriages, for granting Relief from the Duties on, in certain Cases	65. G.B.	Valuation of Lands and Tenements, consolidating and amending Acts for	62. G.B.
Stamps (Commissioners of), enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond	28. U.K.	Van Diemen's Land, continuing [to 31st Dec. 1837] Act of 9 Geo. 4. c. 83, for the Administration of Justice in	84. I.
— transferring the Collection, &c. of the Duties on Horses let to Hire from them to the Commissioners of Excise	45. G.B.	Vessels, for assimilating the Law of Ireland to that of England in respect to the Liability of Owners of, for Losses by Vinegar, for discontinuing the Excise Survey on Dealers in and Retailers of	46. U.K.
Stannaries of Cornwall, for the better Administration of Justice in, and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of	106. E.	Voters, legalizing certain Lists of, and of Claims and Objections, for the present Year	61. E. & I.
Statute Duty, for facilitating the Recovery of certain Arrears of Composition in lieu of	63. E.	Wandsworth, for rendering valid certain Marriages solemnized at St. Ann's Chapel	52. U.K.
Sugar imported, annual Duties on	26. U.K.	Western Australia, continuing [to 31st Dec. 1838] 10 Geo. 4. c. 22, for the Government of His Majesty's Settlements in	101. E.
Sunk Island, Commissioners of Woods, Forests, and Land Revenues enabled to make a Road from the Church in the Parish of, to Ottringham (E. R. York)	91. E.	West India Colonies, making Provision for the better Administration of Justice in	24. E.
Supplies, Appropriation of	1. U.K. 18. U.K. 98. U.K.	Wine, amending 3 & 4 Will. c. 68, relating to the Sale of, by Retail	68. U.K.
Taxes, (Commissioners of), enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond	28. U.K.	Woods, Forests, and Land Revenues, the First Commissioner of, vested with the Office of Constable of St. Briavel's Castle, and Keeper of the Forest of Dean	17. U.K.
		— Commissioners of, enabled to make a Road from the Church in the Parish of Sunk Island to Ottringham (E. R. York)	38. I.
		York (Archbishop of), extinguishing the Secular Jurisdiction of, in certain Liberties in the Counties of Nottingham and York	3. E.
			91. E.
			87. E.



